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Illinois rethinks taking driver's licenses for traffic tickets

Confiscation of licenses is reconsidered

By Josh Noel | Tribune reporter
March 7, 2008

As if the \$125 ticket wasn't bad enough, Lauren Kamm's illegal left turn onto Ashland Avenue in Chicago earned her an extra surprise: Her driver's license was confiscated.

Kamm was told it would be returned after her case was completed, a process potentially lasting weeks. While she could still drive legally with a copy of the ticket, the thought of having no photo identification sent her into a panic, especially since she planned to attend a college reunion at a North Side bar the next night.

The 23-year-old public relations consultant awoke early the next morning last fall and drove to a driver's license facility to get a state ID.

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The state requires that drivers ticketed for a moving violation post bail in one of these ways:

- Pay \$75 at the police station.
- Surrender a bond card (usually available from insurance companies).
- Give up their driver's license.
- Signing tickets also can win release, but few officers do this.

Alternatives: DuPage County is experimenting with an electronic ticket, which could lead to drivers paying for tickets or bail with a credit card on the spot.

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Kachiroubas' office is among those most aggressively pursuing the end of taking licenses and could be the closest to eliminating the process. The county is rolling out a new electronic ticketing program to reduce paper and save money, but the system also could allow drivers to pay for tickets or bail with a credit card during a traffic stop.

Now, state law requires that drivers ticketed for a moving violation post bail. They do that by paying \$75 at the police station, surrendering a bond card (usually available from insurance companies) or giving up their driver's license. Police officers also can just ask for a signature, but such leniency is rare.

Because few people have bond cards or the time to travel to a police station, they usually give up their licenses, experts say. In some cases, drivers are not given a choice. Kamm was not, she said. Her license was returned a month later in the mail after she paid her fine.

"I had to do it," said Kamm, who lives in Wicker Park. "I wasn't going to miss [the reunion] just because they took my license."

Illinois is one of the few states where officers can -- and often do -- take a driver's license during routine traffic stops. But a group of state officials is trying to change that. In an era when a government-issued photo ID is often needed to board an airplane or make a credit-card purchase, the practice is antiquated, they said.

"Your driver's license is probably your only government-issued form of ID," said DuPage County Circuit Clerk Chris Kachiroubas. "To lose it for a bad left turn, I've always thought that was a bad idea."

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Wholesale changes to the law cannot be made without the approval of the state Supreme Court. A subcommittee re-examining the state's traffic bonding laws for the first time since the early 1990s is expected to make recommendations by the end of the year.

The practice of taking driver's licenses was established in Chicago in the 1950s and later expanded statewide under the presumption that holding a license hostage makes accused lawbreakers more likely to pay their fines or come to court.

Protocols in other states vary widely. In [Michigan](#), officers take licenses of out-of-state drivers only. In [Mississippi](#), police can take driver's licenses of in-state residents but rarely do. Like many states, [Texas](#) and [Oregon](#) take licenses only during drunken-driving arrests. Few take it as a common first option, like Illinois.

"The process is outdated," said Logan County Circuit Clerk Carla Bender. "The law and the Supreme Court rule need to catch up to technology."

Champaign County Circuit Judge Jeffrey Ford, chairman of the subcommittee, said the driver's license issue "has been discussed" but declined to predict whether there will be changes. He said he was surprised to learn that Illinois was one of the few states that regularly take licenses as a form of bail.

"The question is, if we can get away from it, how far do we go?" Ford said.

Some less-affluent counties still might need to take licenses from people who can't afford to pay \$75, he said.

"What about in counties that aren't as rich?" he said. "What do you take if they can't pay a bond?"

In DuPage County, two police departments are experimenting with "e-ticketing," which, as its name suggests, removes most paper from the ticketing equation. Officers create tickets on a laptop, hand a printed copy to drivers, then transmit the information to the police department and circuit clerk's office. Officials hope that the system, if approved by the Supreme Court, eventually will allow some drivers to post bail or pay their tickets with credit or debit cards on the side of the road.

Police departments in [West Chicago](#) and [Wheaton](#) are testing the equipment, and a handful of other police agencies will be online soon. Most in the county are expected to be on board by the end of the year, Kachiroubas said.

The technology was bought for \$2.4 million from [Florida](#)-based Advanced Public Safety.

Several police officials said they would be happy to stop taking licenses.

"From a law-enforcement standpoint, it doesn't bother me at all," said Laimutis Nargelenas, deputy director of the Illinois Association of Chiefs of Police. "You don't have to deal with calls from people saying they need their license back because they have to take a trip."

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