

SECTION	LAW SUMMARY
<p>625 ILCS 5/6-102</p> <p>FOREIGN LICENSE</p>	<p>A nonresident who has in his immediate possession a valid license issued to him in his home state or country may operate a motor vehicle for which he is licensed for the period during which he is in this State; Resident may drive for 90 days on foreign license.</p>
<p>People v. Stankovich 255 N.E.2d 461</p> <p>RADAR FOUNDATION</p>	<p>Testimony of police officer who used radar machine that it had been warmed up at time of “clocking” defendant's automobile, that unit had been tested, by means of tuning fork pre-set to give off vibrations at 65 miles per hour, immediately prior to the “clocking” and about three hours before and that on each occasion the meter read 65 miles per hour, and that officer had attended classes in operation of radar was sufficient to establish qualifications of officer as operator of unit and accuracy of the device and was sufficient foundation for introduction of radar evidence of speeding against defendant.</p>
<p>Radar within 500 feet of reduction sign.</p> <p>625 ILCS 5/11–604(b)</p> <p>City of Rockford v. Custer, 936 N.E.2d 773, (2010)</p>	<p>Of special significance here, section 11–604(b) further provides, “Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation of this Section evidence obtained thereby shall be inadmissible in any prosecution for speeding.”</p> <p>Purpose of forbidding use of electronic speed detecting devices within 500 feet of speed limit sign was to give driver time in which to adjust to new speed limit before subjecting him to radar detection and said section did not require use of a radar device more than 500 feet beyond any sign regardless of how many similar signs had preceded it and had been passed by motorist. People v. Johannsen, App.1970, 126 Ill.App.2d 31, 261 N.E.2d 551.</p>
<p>Failure to Reduce Speed to Avoid an Accident</p> <p>People v. Harrison, 201 Ill. App. 3d 65, 558 N.E.2d 1368 (1990)</p>	<p>Complaint charging offense of failure to reduce speed to avoid accident does not have to allege speed of defendant's vehicle or applicable speed limit; overruling</p>

<p>TUNING FORK</p> <p>Vill. of Algonquin v. Sato, 2018 IL App (2d) 170089, 103 N.E.3d 616.</p>	<p>Foreign opinions that, require prosecutors to introduce proof that the tuning forks have been tested and certified for accuracy. In Illinois, courts have deemed the radar evidence admissible and sufficient to convict, although the officer testified only that he conducted “both an internal and an external test for the calibration of the device” about 20 minutes before he stopped the defendant and again about 20 minutes afterward.</p>
<p>People v. Boalbey 413 N.E.2d 553</p> <p>CROSS-EXAM OF RADAR</p>	<p>However, a review of the Trooper's testimony indicates that he agreed a defective tuning fork used in calibrating the radar unit would cause the unit to read inaccurately. He admitted he did not know if electricity affected radar and that he was not familiar with the internal workings of the unit, but only how to operate it. On the other hand, the Trooper did testify that according to the radar unit the defendant's vehicle was traveling at a rate of 67 miles per hour in a 55 mile per hour zone. The defendant presented no evidence or expert testimony which demonstrated the inaccuracy of this particular radar unit or any circumstances which would cause an inaccuracy. There was, therefore, sufficient evidence to support the finding of the jury.</p>
<p>People v. Sass 494 N.E.2d 745</p> <p>DRIVING ON FOREIGN LICENSE WHEN REVOKED IN ILLINOIS</p>	<p>Defendant, whose Illinois driver's license had been revoked and who had been subsequently issued valid Wisconsin driver's license, was properly charged and convicted for driving while driver's license was revoked, rather than driving under foreign license during suspension or revocation in Illinois, in that Wisconsin was not a party state to Drivers License Compact, 625 ILCS 5/6-303 et seq., which was effective part of Illinois vehicle code, and any person whose license had been revoked in Illinois was prohibited from driving in Illinois until license was obtained when and as permitted under the code.</p>
<p>People v. Strobe 300 N.E.2d 323</p> <p>FACTORS FOR DWLS</p>	<p>Only two factors are required to establish a violation of this paragraph prohibiting the driving of a motor vehicle while the operator's license is suspended or revoked; the first is the act of driving a motor vehicle on a public highway, and the second is the fact of suspension of the driving license, and defendant's intent, knowledge, moral turpitude, or motive is immaterial on the question of guilt.</p>

<p>625 ILCS 5/12-603.1 SEAT BELT</p>	<p>Each driver and front seat passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt.</p> <p>Paragraph (a) shall not apply to a driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour., or a vehicle being operated in reverse.</p>
<p>730 ILCS 5/5-6-1(k) COURT SUPERVISION</p>	<p>(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance. The provisions of this paragraph (k) do not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.</p>
<p>625 ILCS 5/11-601 SPEEDING / FAILURE TO REDUCE SPEED</p>	<p>No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.</p>