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SPRINGFIELD

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**FEES:**

Payment of Fines for Motor  
Vehicle Code Violations

Honorable Hugh Finson  
State's Attorney  
Piatt County Courthouse  
Monticello, Illinois 61856

Dear Mr. Finson:

I have your letter in which you ask to whom fines collected pursuant to section 16-105 of the Motor Vehicle Code (Ill. Rev. Stat. 1977, ch. 95 1/2, par. 16-105(a)2) must be transmitted by the circuit clerk. It is my opinion that the unit of local government responsible for maintaining the road on which a peace officer first sees an offense being committed is entitled to receive the full amount of the fine.

You first ask to whom payments must be made when an offense such as driving under the influence of alcohol or speeding occurs on two roads, one maintained by a township and one maintained by a county. The applicable statute is section 16-105(a)2 of the Illinois Motor Vehicle Code, which states:

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"For offenses committed upon any highway outside the limits of a city, village, incorporated town or park district, to the county treasurer of the county where the offense was committed except if such offense was committed on a highway maintained by or under the supervision of a township, township district, or a road district to the Treasurer thereof for deposit in the road and bridge fund of such township or other district; \* \* \*." (Emphasis added.)

Under the general rules of statutory interpretation, the word "commit" when used in statutes related to criminal offenses refers to that place in which the crime is consummated; that is, the place in which all the elements of the offense occur. (State of Ohio v. Dangler (1906), 77 N. E. 271.) There are exceptions to this rule, but they apply only when the various elements of the offense occur in different jurisdictions. In the situations presented here, all the elements of the offenses are present when the driver is still on the first road. The offense may be continued onto a second road, but it has been fully "committed" within the above definition while still on the first one. Accordingly, the road named on the citation as the place on which the offense occurred, or the road on which the peace officer first saw the offense being committed if two roads are involved, is the place of commission of the offense. Thus, even if a peace officer notices a driver speeding on a county road but does not apprehend him until after he has turned onto a township road, the offense was still fully "committed" on the county

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road and the full amount of any resulting fine should be disbursed to the county treasurer. The reverse is, of course, also true.

You next ask to whom fines resulting from a failure to obey a stop sign or a yield sign must be paid. By the reasoning used above, the violation is "committed" at the place at which all elements of the crime are present. The elements all become present at the moment at which a driver who is under a duty to heed a stop or a yield sign fails to do so. Since a stop or a yield sign applies only to drivers on the road toward which it faces, the offense, the final element of which is the failure to stop or yield, can only be committed on the road governed by the sign. Accordingly, any fine resulting from a failure to obey a sign belongs to the entity responsible for the maintenance of the road that is governed by the sign.

Very truly yours,

A T O R N E Y G E N E R A L