



OFFICE OF THE SECRETARY OF STATE
DRIVER SERVICES DEPARTMENT

Office of the Secretary of State
Driver Services Department
Safety & Financial Responsibility Section
Security Unit
2701 S. Dirksen Pkwy.
Springfield, IL 62723
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Claiming a Security Deposit from an Uninsured Accident
in Accordance with 625 Illinois Compiled Statutes, 5/7-214, Illinois Safety Responsibility Law

A person whose driver's license is suspended due to involvement in an uninsured crash may deposit security with the Secretary of State in order to have his/her driving privileges reinstated. **Depositing security is not an admission of guilt.** Once the security is deposited, the Secretary of State's office will notify the damaged party, who is identified as the "claimant." The claimant has the right to make claim of the money deposited according to procedures set forth by Illinois' Safety Responsibility Law.

There are two methods for a claimant to obtain a security deposit. Method 1 may be used in cases where both the depositor and the claimant agree, in which the Secretary of State may release the security deposit without the court's involvement. Method 2 must be followed when the depositor, or defendant, does not agree to release the security deposit and, therefore, court action is required by the claimant.

METHOD 1

If the depositor and the claimant agree, the following documents must be submitted to the Secretary of State:

1. **Letter of Direction** — A notarized letter from the depositor requesting the Secretary of State to release all or a portion of the security deposit to the claimant. The letter must include the following information:
 - Date of accident;
 - Statement that the amount of deposit to be released represents settlement of **all** claims;
 - Exact amount of the security deposit to be released;
 - Name of claimant to receive the security deposit (If the security deposit is to be released to an authorized representative, the name of the representative and relationship to the claimant must be included, e.g.: "ABC Insurance Company as subrogee of John Doe" or "Attorney John Doe representing Sue Smith."); and
 - Notarized signature of the depositor and driver's license of the operator and/or owner covered by the deposit.
2. **Release for Accident** — A notarized release of the accident from the claimant (party receiving the deposit) or his/her representative. The release must include the following information:
 - Date of accident;
 - Statement accepting the security deposit amount as settlement of the claim, which must match the amount on the Letter of Direction from the depositor;
 - Notarized signature of the claimant (If the security deposit is to be released to an authorized representative, the name of the representative and relationship to the claimant must be included, e.g.: "ABC Insurance Company as subrogee of John Doe" or "Attorney John Doe representing Sue Smith."); and
 - Name and driver's license number of the operator and/or owner covered by the deposit who is being released.

NOTE: Both the Letter of Direction from the depositor and the Release for Accident from the claimant must be submitted in order for a security deposit to be released. If court action has already been instituted, the Secretary of State must receive the original certified or file-stamped court order dismissing the case before the security deposit can be released according to the Letter of Direction from the depositor.

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METHOD 2

If the depositor/defendant does not acknowledge liability for the crash, Illinois law requires the claimant to file suit in the county where the accident occurred or the county where the defendant resides in order for the claimant to obtain the security deposit.

1. The suit must be filed within two years of the defendant's driver's license suspension date in order to claim the security deposit.
2. After final judgment has been awarded, an original certified or file-stamped court order must be submitted to the Secretary of State with the following information:
 - Name and driver's license number of the defendant;
 - Judgment enter date;
 - Date of accident;
 - Amount of judgment, including any court costs awarded;
 - Specific instructions for the Secretary of State to release all or a portion of the security deposit (The exact amount to be released must be ordered by the court.); and
 - Statement that the security to be released represents "full" satisfaction or "partial" satisfaction of the judgment.
3. If the judgment exceeds the amount of the security deposit, the claimant may request that the Secretary of State suspend the driver's license of the defendant for the balance due. This requires a Record of Unsatisfied Judgment (DSD SR-17) to be completed for the remaining balance, certified by the court and submitted to the Secretary of State. **The form may not be submitted until 30 days after the judgment is final.**
4. If court action is pending and final judgment will not be awarded within two years from the defendant's suspension date, an original certified or file-stamped Complaint and Summons with date of service must be submitted to the Secretary of State, which will hold the security deposit until the final disposition of the case.

Security Deposit Payments

When all required documentation is submitted to the Secretary of State regarding the release of a security deposit, the Secretary of State will request the State Comptroller to issue payment. Copies of the request will be sent to all concerned parties. Claimants should allow six to eight weeks for receipt of a security payment from the Comptroller's office.

FOR MORE INFORMATION

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