



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3037

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205
625 ILCS 5/6-206
625 ILCS 5/11-501.01

Amends the Illinois Vehicle Code. Provides that for offenses committed before January 1, 2017, the Secretary of State shall require the use of ignition interlock devices for a period of not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof or a similar provision of a local ordinance. Provides that for offenses committed on or after January 1, 2017, the Secretary shall require the use of ignition interlock devices for a period of not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof or a similar provision of a local ordinance or out-of-state offense, Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 in which the use of alcohol or other drugs is recited as an element of the offense or a similar out-of-state offense, or a combination of these offenses arising out of separate occurrences, if that person is issued a restricted driving permit. Makes conforming changes.

LRB100 06233 AXK 16268 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-205, 6-206, and 11-501.01 as follows:

6 (625 ILCS 5/6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of
10 State shall immediately revoke the license, permit, or driving
11 privileges of any driver upon receiving a report of the
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds, or any
20 combination thereof;

21 3. Any felony under the laws of any State or the
22 federal government in the commission of which a motor
23 vehicle was used;

1 4. Violation of Section 11-401 of this Code relating to
2 the offense of leaving the scene of a traffic accident
3 involving death or personal injury;

4 5. Perjury or the making of a false affidavit or
5 statement under oath to the Secretary of State under this
6 Code or under any other law relating to the ownership or
7 operation of motor vehicles;

8 6. Conviction upon 3 charges of violation of Section
9 11-503 of this Code relating to the offense of reckless
10 driving committed within a period of 12 months;

11 7. Conviction of any offense defined in Section 4-102
12 of this Code;

13 8. Violation of Section 11-504 of this Code relating to
14 the offense of drag racing;

15 9. Violation of Chapters 8 and 9 of this Code;

16 10. Violation of Section 12-5 of the Criminal Code of
17 1961 or the Criminal Code of 2012 arising from the use of a
18 motor vehicle;

19 11. Violation of Section 11-204.1 of this Code relating
20 to aggravated fleeing or attempting to elude a peace
21 officer;

22 12. Violation of paragraph (1) of subsection (b) of
23 Section 6-507, or a similar law of any other state,
24 relating to the unlawful operation of a commercial motor
25 vehicle;

26 13. Violation of paragraph (a) of Section 11-502 of

1 this Code or a similar provision of a local ordinance if
2 the driver has been previously convicted of a violation of
3 that Section or a similar provision of a local ordinance
4 and the driver was less than 21 years of age at the time of
5 the offense;

6 14. Violation of paragraph (a) of Section 11-506 of
7 this Code or a similar provision of a local ordinance
8 relating to the offense of street racing;

9 15. A second or subsequent conviction of driving while
10 the person's driver's license, permit or privileges was
11 revoked for reckless homicide or a similar out-of-state
12 offense;

13 16. Any offense against any provision in this Code, or
14 any local ordinance, regulating the movement of traffic
15 when that offense was the proximate cause of the death of
16 any person. Any person whose driving privileges have been
17 revoked pursuant to this paragraph may seek to have the
18 revocation terminated or to have the length of revocation
19 reduced by requesting an administrative hearing with the
20 Secretary of State prior to the projected driver's license
21 application eligibility date;

22 17. Violation of subsection (a-2) of Section 11-1301.3
23 of this Code or a similar provision of a local ordinance;

24 18. A second or subsequent conviction of illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled
2 Substances Act, any cannabis prohibited under the Cannabis
3 Control Act, or any methamphetamine prohibited under the
4 Methamphetamine Control and Community Protection Act. A
5 defendant found guilty of this offense while operating a
6 motor vehicle shall have an entry made in the court record
7 by the presiding judge that this offense did occur while
8 the defendant was operating a motor vehicle and order the
9 clerk of the court to report the violation to the Secretary
10 of State.

11 (b) The Secretary of State shall also immediately revoke
12 the license or permit of any driver in the following
13 situations:

14 1. Of any minor upon receiving the notice provided for
15 in Section 5-901 of the Juvenile Court Act of 1987 that the
16 minor has been adjudicated under that Act as having
17 committed an offense relating to motor vehicles prescribed
18 in Section 4-103 of this Code;

19 2. Of any person when any other law of this State
20 requires either the revocation or suspension of a license
21 or permit;

22 3. Of any person adjudicated under the Juvenile Court
23 Act of 1987 based on an offense determined to have been
24 committed in furtherance of the criminal activities of an
25 organized gang as provided in Section 5-710 of that Act,
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation
2 shall remain in effect for the period determined by the
3 court.

4 (c)(1) Whenever a person is convicted of any of the
5 offenses enumerated in this Section, the court may recommend
6 and the Secretary of State in his discretion, without regard to
7 whether the recommendation is made by the court may, upon
8 application, issue to the person a restricted driving permit
9 granting the privilege of driving a motor vehicle between the
10 petitioner's residence and petitioner's place of employment or
11 within the scope of the petitioner's employment related duties,
12 or to allow the petitioner to transport himself or herself or a
13 family member of the petitioner's household to a medical
14 facility for the receipt of necessary medical care or to allow
15 the petitioner to transport himself or herself to and from
16 alcohol or drug remedial or rehabilitative activity
17 recommended by a licensed service provider, or to allow the
18 petitioner to transport himself or herself or a family member
19 of the petitioner's household to classes, as a student, at an
20 accredited educational institution, or to allow the petitioner
21 to transport children, elderly persons, or persons with
22 disabilities who do not hold driving privileges and are living
23 in the petitioner's household to and from daycare; if the
24 petitioner is able to demonstrate that no alternative means of
25 transportation is reasonably available and that the petitioner
26 will not endanger the public safety or welfare; provided that

1 the Secretary's discretion shall be limited to cases where
2 undue hardship, as defined by the rules of the Secretary of
3 State, would result from a failure to issue the restricted
4 driving permit.

5 (1.5) A person subject to the provisions of paragraph 4
6 of subsection (b) of Section 6-208 of this Code may make
7 application for a restricted driving permit at a hearing
8 conducted under Section 2-118 of this Code after the
9 expiration of 5 years from the effective date of the most
10 recent revocation, or after 5 years from the date of
11 release from a period of imprisonment resulting from a
12 conviction of the most recent offense, whichever is later,
13 provided the person, in addition to all other requirements
14 of the Secretary, shows by clear and convincing evidence:

15 (A) a minimum of 3 years of uninterrupted
16 abstinence from alcohol and the unlawful use or
17 consumption of cannabis under the Cannabis Control
18 Act, a controlled substance under the Illinois
19 Controlled Substances Act, an intoxicating compound
20 under the Use of Intoxicating Compounds Act, or
21 methamphetamine under the Methamphetamine Control and
22 Community Protection Act; and

23 (B) the successful completion of any
24 rehabilitative treatment and involvement in any
25 ongoing rehabilitative activity that may be
26 recommended by a properly licensed service provider

1 according to an assessment of the person's alcohol or
2 drug use under Section 11-501.01 of this Code.

3 In determining whether an applicant is eligible for a
4 restricted driving permit under this paragraph (1.5), the
5 Secretary may consider any relevant evidence, including,
6 but not limited to, testimony, affidavits, records, and the
7 results of regular alcohol or drug tests. Persons subject
8 to the provisions of paragraph 4 of subsection (b) of
9 Section 6-208 of this Code and who have been convicted of
10 more than one violation of paragraph (3), paragraph (4), or
11 paragraph (5) of subsection (a) of Section 11-501 of this
12 Code shall not be eligible to apply for a restricted
13 driving permit.

14 A restricted driving permit issued under this
15 paragraph (1.5) shall provide that the holder may only
16 operate motor vehicles equipped with an ignition interlock
17 device as required under paragraph (2) of subsection (c) of
18 this Section and subparagraph (A) of paragraph 3 of
19 subsection (c) of Section 6-206 of this Code. The Secretary
20 may revoke a restricted driving permit or amend the
21 conditions of a restricted driving permit issued under this
22 paragraph (1.5) if the holder operates a vehicle that is
23 not equipped with an ignition interlock device, or for any
24 other reason authorized under this Code.

25 A restricted driving permit issued under this
26 paragraph (1.5) shall be revoked, and the holder barred

1 from applying for or being issued a restricted driving
2 permit in the future, if the holder is subsequently
3 convicted of a violation of Section 11-501 of this Code, a
4 similar provision of a local ordinance, or a similar
5 offense in another state.

6 (2) If a person's license or permit is revoked or
7 suspended due to 2 or more convictions of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense, or Section 9-3
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 where the use of alcohol or other drugs is recited as an
12 element of the offense, or a similar out-of-state offense,
13 or a combination of these offenses, arising out of separate
14 occurrences, that person, if issued a restricted driving
15 permit, may not operate a vehicle unless it has been
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1.

18 (3) If:

19 (A) a person's license or permit is revoked or
20 suspended 2 or more times due to any combination of:

21 (i) a single conviction of violating Section
22 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense,
24 or Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, where the use of alcohol or
26 other drugs is recited as an element of the

1 offense, or a similar out-of-state offense; or
2 (ii) a statutory summary suspension or
3 revocation under Section 11-501.1; or
4 (iii) a suspension pursuant to Section
5 6-203.1;

6 arising out of separate occurrences; or

7 (B) a person has been convicted of one violation of
8 subparagraph (C) or (F) of paragraph (1) of subsection
9 (d) of Section 11-501 of this Code, Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012,
11 relating to the offense of reckless homicide where the
12 use of alcohol or other drugs was recited as an element
13 of the offense, or a similar provision of a law of
14 another state;

15 that person, if issued a restricted driving permit, may not
16 operate a vehicle unless it has been equipped with an
17 ignition interlock device as defined in Section 1-129.1.

18 (4) The person issued a permit conditioned on the use
19 of an ignition interlock device must pay to the Secretary
20 of State DUI Administration Fund an amount not to exceed
21 \$30 per month. The Secretary shall establish by rule the
22 amount and the procedures, terms, and conditions relating
23 to these fees.

24 (5) If the restricted driving permit is issued for
25 employment purposes, then the prohibition against
26 operating a motor vehicle that is not equipped with an

1 ignition interlock device does not apply to the operation
2 of an occupational vehicle owned or leased by that person's
3 employer when used solely for employment purposes. For any
4 person who, within a 5-year period, is convicted of a
5 second or subsequent offense under Section 11-501 of this
6 Code, or a similar provision of a local ordinance or
7 similar out-of-state offense, this employment exemption
8 does not apply until either a one-year period has elapsed
9 during which that person had his or her driving privileges
10 revoked or a one-year period has elapsed during which that
11 person had a restricted driving permit which required the
12 use of an ignition interlock device on every motor vehicle
13 owned or operated by that person.

14 (6) In each case the Secretary of State may issue a
15 restricted driving permit for a period he deems
16 appropriate, except that the permit shall expire within one
17 year from the date of issuance. A restricted driving permit
18 issued under this Section shall be subject to cancellation,
19 revocation, and suspension by the Secretary of State in
20 like manner and for like cause as a driver's license issued
21 under this Code may be cancelled, revoked, or suspended;
22 except that a conviction upon one or more offenses against
23 laws or ordinances regulating the movement of traffic shall
24 be deemed sufficient cause for the revocation, suspension,
25 or cancellation of a restricted driving permit. The
26 Secretary of State may, as a condition to the issuance of a

1 restricted driving permit, require the petitioner to
2 participate in a designated driver remedial or
3 rehabilitative program. The Secretary of State is
4 authorized to cancel a restricted driving permit if the
5 permit holder does not successfully complete the program.
6 However, if an individual's driving privileges have been
7 revoked in accordance with paragraph 13 of subsection (a)
8 of this Section, no restricted driving permit shall be
9 issued until the individual has served 6 months of the
10 revocation period.

11 (c-5) (Blank).

12 (c-6) If a person is convicted of a second violation of
13 operating a motor vehicle while the person's driver's license,
14 permit or privilege was revoked, where the revocation was for a
15 violation of Section 9-3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 relating to the offense of reckless
17 homicide or a similar out-of-state offense, the person's
18 driving privileges shall be revoked pursuant to subdivision
19 (a)(15) of this Section. The person may not make application
20 for a license or permit until the expiration of five years from
21 the effective date of the revocation or the expiration of five
22 years from the date of release from a term of imprisonment,
23 whichever is later.

24 (c-7) If a person is convicted of a third or subsequent
25 violation of operating a motor vehicle while the person's
26 driver's license, permit or privilege was revoked, where the

1 revocation was for a violation of Section 9-3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012 relating to the
3 offense of reckless homicide or a similar out-of-state offense,
4 the person may never apply for a license or permit.

5 (d) (1) Whenever a person under the age of 21 is convicted
6 under Section 11-501 of this Code or a similar provision of a
7 local ordinance or a similar out-of-state offense, the
8 Secretary of State shall revoke the driving privileges of that
9 person. One year after the date of revocation, and upon
10 application, the Secretary of State may, if satisfied that the
11 person applying will not endanger the public safety or welfare,
12 issue a restricted driving permit granting the privilege of
13 driving a motor vehicle only between the hours of 5 a.m. and 9
14 p.m. or as otherwise provided by this Section for a period of
15 one year. After this one-year period, and upon reapplication
16 for a license as provided in Section 6-106, upon payment of the
17 appropriate reinstatement fee provided under paragraph (b) of
18 Section 6-118, the Secretary of State, in his discretion, may
19 reinstate the petitioner's driver's license and driving
20 privileges, or extend the restricted driving permit as many
21 times as the Secretary of State deems appropriate, by
22 additional periods of not more than 12 months each.

23 (2) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense, or Section 9-3

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 where the use of alcohol or other drugs is recited as an
3 element of the offense, or a similar out-of-state offense,
4 or a combination of these offenses, arising out of separate
5 occurrences, that person, if issued a restricted driving
6 permit, may not operate a vehicle unless it has been
7 equipped with an ignition interlock device as defined in
8 Section 1-129.1.

9 (3) If a person's license or permit is revoked or
10 suspended 2 or more times due to any combination of:

11 (A) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a local
13 ordinance or a similar out-of-state offense, or
14 Section 9-3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, where the use of alcohol or
16 other drugs is recited as an element of the offense, or
17 a similar out-of-state offense; or

18 (B) a statutory summary suspension or revocation
19 under Section 11-501.1; or

20 (C) a suspension pursuant to Section 6-203.1;
21 arising out of separate occurrences, that person, if issued
22 a restricted driving permit, may not operate a vehicle
23 unless it has been equipped with an ignition interlock
24 device as defined in Section 1-129.1.

25 (3.5) If a person's license or permit is revoked or
26 suspended due to a conviction for a violation of

1 subparagraph (C) or (F) of paragraph (1) of subsection (d)
2 of Section 11-501 of this Code, or a similar provision of a
3 local ordinance or similar out-of-state offense, that
4 person, if issued a restricted driving permit, may not
5 operate a vehicle unless it has been equipped with an
6 ignition interlock device as defined in Section 1-129.1.

7 (4) The person issued a permit conditioned upon the use
8 of an interlock device must pay to the Secretary of State
9 DUI Administration Fund an amount not to exceed \$30 per
10 month. The Secretary shall establish by rule the amount and
11 the procedures, terms, and conditions relating to these
12 fees.

13 (5) If the restricted driving permit is issued for
14 employment purposes, then the prohibition against driving
15 a vehicle that is not equipped with an ignition interlock
16 device does not apply to the operation of an occupational
17 vehicle owned or leased by that person's employer when used
18 solely for employment purposes. For any person who, within
19 a 5-year period, is convicted of a second or subsequent
20 offense under Section 11-501 of this Code, or a similar
21 provision of a local ordinance or similar out-of-state
22 offense, this employment exemption does not apply until
23 either a one-year period has elapsed during which that
24 person had his or her driving privileges revoked or a
25 one-year period has elapsed during which that person had a
26 restricted driving permit which required the use of an

1 ignition interlock device on every motor vehicle owned or
2 operated by that person.

3 (6) A restricted driving permit issued under this
4 Section shall be subject to cancellation, revocation, and
5 suspension by the Secretary of State in like manner and for
6 like cause as a driver's license issued under this Code may
7 be cancelled, revoked, or suspended; except that a
8 conviction upon one or more offenses against laws or
9 ordinances regulating the movement of traffic shall be
10 deemed sufficient cause for the revocation, suspension, or
11 cancellation of a restricted driving permit.

12 (d-5) The revocation of the license, permit, or driving
13 privileges of a person convicted of a third or subsequent
14 violation of Section 6-303 of this Code committed while his or
15 her driver's license, permit, or privilege was revoked because
16 of a violation of Section 9-3 of the Criminal Code of 1961 or
17 the Criminal Code of 2012, relating to the offense of reckless
18 homicide, or a similar provision of a law of another state, is
19 permanent. The Secretary may not, at any time, issue a license
20 or permit to that person.

21 (e) This Section is subject to the provisions of the Driver
22 License Compact.

23 (f) Any revocation imposed upon any person under
24 subsections 2 and 3 of paragraph (b) that is in effect on
25 December 31, 1988 shall be converted to a suspension for a like
26 period of time.

1 (g) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been revoked under any provisions of
4 this Code.

5 (h) For offenses committed before January 1, 2017, the ~~The~~
6 Secretary of State shall require the use of ignition interlock
7 devices for a period not less than 5 years on all vehicles
8 owned by a person who has been convicted of a second or
9 subsequent offense under Section 11-501 of this Code or a
10 similar provision of a local ordinance. For offenses committed
11 on or after January 1, 2017, the Secretary of State shall
12 require the use of ignition interlock devices for a period of
13 not less than 5 years on all vehicles owned by a person who has
14 been convicted of a second or subsequent offense under Section
15 11-501 of this Code or a similar provision of a local ordinance
16 or out-of-state offense, Section 9-3 of the Criminal Code of
17 1961 or the Criminal Code of 2012 in which the use of alcohol
18 or other drugs is recited as an element of the offense or a
19 similar out-of-state offense, or a combination of these
20 offenses arising out of separate occurrences, if that person is
21 issued a restricted driving permit. A person required to use an
22 ignition interlock device under this subsection (h) ~~The person~~
23 must pay to the Secretary of State DUI Administration Fund an
24 amount not to exceed \$30 for each month that he or she uses the
25 device. The Secretary shall establish by rule and regulation
26 the procedures for certification and use of the interlock

1 system, the amount of the fee, and the procedures, terms, and
2 conditions relating to these fees. During the time period in
3 which a person is required to install an ignition interlock
4 device under this subsection (h), that person shall only
5 operate vehicles in which ignition interlock devices have been
6 installed, except as allowed by subdivision (c) (5) or (d) (5) of
7 this Section.

8 (i) (Blank).

9 (j) In accordance with 49 C.F.R. 384, the Secretary of
10 State may not issue a restricted driving permit for the
11 operation of a commercial motor vehicle to a person holding a
12 CDL whose driving privileges have been revoked, suspended,
13 cancelled, or disqualified under any provisions of this Code.

14 (k) The Secretary of State shall notify by mail any person
15 whose driving privileges have been revoked under paragraph 16
16 of subsection (a) of this Section that his or her driving
17 privileges and driver's license will be revoked 90 days from
18 the date of the mailing of the notice.

19 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;
20 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
21 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff.
22 7-28-16.)

23 (625 ILCS 5/6-206)

24 Sec. 6-206. Discretionary authority to suspend or revoke
25 license or permit; right to a hearing.

1 (a) The Secretary of State is authorized to suspend or
2 revoke the driving privileges of any person without preliminary
3 hearing upon a showing of the person's records or other
4 sufficient evidence that the person:

5 1. Has committed an offense for which mandatory
6 revocation of a driver's license or permit is required upon
7 conviction;

8 2. Has been convicted of not less than 3 offenses
9 against traffic regulations governing the movement of
10 vehicles committed within any 12 month period. No
11 revocation or suspension shall be entered more than 6
12 months after the date of last conviction;

13 3. Has been repeatedly involved as a driver in motor
14 vehicle collisions or has been repeatedly convicted of
15 offenses against laws and ordinances regulating the
16 movement of traffic, to a degree that indicates lack of
17 ability to exercise ordinary and reasonable care in the
18 safe operation of a motor vehicle or disrespect for the
19 traffic laws and the safety of other persons upon the
20 highway;

21 4. Has by the unlawful operation of a motor vehicle
22 caused or contributed to an accident resulting in injury
23 requiring immediate professional treatment in a medical
24 facility or doctor's office to any person, except that any
25 suspension or revocation imposed by the Secretary of State
26 under the provisions of this subsection shall start no

1 later than 6 months after being convicted of violating a
2 law or ordinance regulating the movement of traffic, which
3 violation is related to the accident, or shall start not
4 more than one year after the date of the accident,
5 whichever date occurs later;

6 5. Has permitted an unlawful or fraudulent use of a
7 driver's license, identification card, or permit;

8 6. Has been lawfully convicted of an offense or
9 offenses in another state, including the authorization
10 contained in Section 6-203.1, which if committed within
11 this State would be grounds for suspension or revocation;

12 7. Has refused or failed to submit to an examination
13 provided for by Section 6-207 or has failed to pass the
14 examination;

15 8. Is ineligible for a driver's license or permit under
16 the provisions of Section 6-103;

17 9. Has made a false statement or knowingly concealed a
18 material fact or has used false information or
19 identification in any application for a license,
20 identification card, or permit;

21 10. Has possessed, displayed, or attempted to
22 fraudulently use any license, identification card, or
23 permit not issued to the person;

24 11. Has operated a motor vehicle upon a highway of this
25 State when the person's driving privilege or privilege to
26 obtain a driver's license or permit was revoked or

1 suspended unless the operation was authorized by a
2 monitoring device driving permit, judicial driving permit
3 issued prior to January 1, 2009, probationary license to
4 drive, or a restricted driving permit issued under this
5 Code;

6 12. Has submitted to any portion of the application
7 process for another person or has obtained the services of
8 another person to submit to any portion of the application
9 process for the purpose of obtaining a license,
10 identification card, or permit for some other person;

11 13. Has operated a motor vehicle upon a highway of this
12 State when the person's driver's license or permit was
13 invalid under the provisions of Sections 6-107.1 and 6-110;

14 14. Has committed a violation of Section 6-301,
15 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
16 14B of the Illinois Identification Card Act;

17 15. Has been convicted of violating Section 21-2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 relating
19 to criminal trespass to vehicles in which case, the
20 suspension shall be for one year;

21 16. Has been convicted of violating Section 11-204 of
22 this Code relating to fleeing from a peace officer;

23 17. Has refused to submit to a test, or tests, as
24 required under Section 11-501.1 of this Code and the person
25 has not sought a hearing as provided for in Section
26 11-501.1;

1 18. Has, since issuance of a driver's license or
2 permit, been adjudged to be afflicted with or suffering
3 from any mental disability or disease;

4 19. Has committed a violation of paragraph (a) or (b)
5 of Section 6-101 relating to driving without a driver's
6 license;

7 20. Has been convicted of violating Section 6-104
8 relating to classification of driver's license;

9 21. Has been convicted of violating Section 11-402 of
10 this Code relating to leaving the scene of an accident
11 resulting in damage to a vehicle in excess of \$1,000, in
12 which case the suspension shall be for one year;

13 22. Has used a motor vehicle in violating paragraph
14 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
15 the Criminal Code of 1961 or the Criminal Code of 2012
16 relating to unlawful use of weapons, in which case the
17 suspension shall be for one year;

18 23. Has, as a driver, been convicted of committing a
19 violation of paragraph (a) of Section 11-502 of this Code
20 for a second or subsequent time within one year of a
21 similar violation;

22 24. Has been convicted by a court-martial or punished
23 by non-judicial punishment by military authorities of the
24 United States at a military installation in Illinois or in
25 another state of or for a traffic related offense that is
26 the same as or similar to an offense specified under

1 Section 6-205 or 6-206 of this Code;

2 25. Has permitted any form of identification to be used
3 by another in the application process in order to obtain or
4 attempt to obtain a license, identification card, or
5 permit;

6 26. Has altered or attempted to alter a license or has
7 possessed an altered license, identification card, or
8 permit;

9 27. Has violated Section 6-16 of the Liquor Control Act
10 of 1934;

11 28. Has been convicted for a first time of the illegal
12 possession, while operating or in actual physical control,
13 as a driver, of a motor vehicle, of any controlled
14 substance prohibited under the Illinois Controlled
15 Substances Act, any cannabis prohibited under the Cannabis
16 Control Act, or any methamphetamine prohibited under the
17 Methamphetamine Control and Community Protection Act, in
18 which case the person's driving privileges shall be
19 suspended for one year. Any defendant found guilty of this
20 offense while operating a motor vehicle, shall have an
21 entry made in the court record by the presiding judge that
22 this offense did occur while the defendant was operating a
23 motor vehicle and order the clerk of the court to report
24 the violation to the Secretary of State;

25 29. Has been convicted of the following offenses that
26 were committed while the person was operating or in actual

1 physical control, as a driver, of a motor vehicle: criminal
2 sexual assault, predatory criminal sexual assault of a
3 child, aggravated criminal sexual assault, criminal sexual
4 abuse, aggravated criminal sexual abuse, juvenile pimping,
5 soliciting for a juvenile prostitute, promoting juvenile
6 prostitution as described in subdivision (a)(1), (a)(2),
7 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
8 or the Criminal Code of 2012, and the manufacture, sale or
9 delivery of controlled substances or instruments used for
10 illegal drug use or abuse in which case the driver's
11 driving privileges shall be suspended for one year;

12 30. Has been convicted a second or subsequent time for
13 any combination of the offenses named in paragraph 29 of
14 this subsection, in which case the person's driving
15 privileges shall be suspended for 5 years;

16 31. Has refused to submit to a test as required by
17 Section 11-501.6 of this Code or Section 5-16c of the Boat
18 Registration and Safety Act or has submitted to a test
19 resulting in an alcohol concentration of 0.08 or more or
20 any amount of a drug, substance, or compound resulting from
21 the unlawful use or consumption of cannabis as listed in
22 the Cannabis Control Act, a controlled substance as listed
23 in the Illinois Controlled Substances Act, an intoxicating
24 compound as listed in the Use of Intoxicating Compounds
25 Act, or methamphetamine as listed in the Methamphetamine
26 Control and Community Protection Act, in which case the

1 penalty shall be as prescribed in Section 6-208.1;

2 32. Has been convicted of Section 24-1.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 relating
4 to the aggravated discharge of a firearm if the offender
5 was located in a motor vehicle at the time the firearm was
6 discharged, in which case the suspension shall be for 3
7 years;

8 33. Has as a driver, who was less than 21 years of age
9 on the date of the offense, been convicted a first time of
10 a violation of paragraph (a) of Section 11-502 of this Code
11 or a similar provision of a local ordinance;

12 34. Has committed a violation of Section 11-1301.5 of
13 this Code or a similar provision of a local ordinance;

14 35. Has committed a violation of Section 11-1301.6 of
15 this Code or a similar provision of a local ordinance;

16 36. Is under the age of 21 years at the time of arrest
17 and has been convicted of not less than 2 offenses against
18 traffic regulations governing the movement of vehicles
19 committed within any 24 month period. No revocation or
20 suspension shall be entered more than 6 months after the
21 date of last conviction;

22 37. Has committed a violation of subsection (c) of
23 Section 11-907 of this Code that resulted in damage to the
24 property of another or the death or injury of another;

25 38. Has been convicted of a violation of Section 6-20
26 of the Liquor Control Act of 1934 or a similar provision of

1 a local ordinance;

2 39. Has committed a second or subsequent violation of
3 Section 11-1201 of this Code;

4 40. Has committed a violation of subsection (a-1) of
5 Section 11-908 of this Code;

6 41. Has committed a second or subsequent violation of
7 Section 11-605.1 of this Code, a similar provision of a
8 local ordinance, or a similar violation in any other state
9 within 2 years of the date of the previous violation, in
10 which case the suspension shall be for 90 days;

11 42. Has committed a violation of subsection (a-1) of
12 Section 11-1301.3 of this Code or a similar provision of a
13 local ordinance;

14 43. Has received a disposition of court supervision for
15 a violation of subsection (a), (d), or (e) of Section 6-20
16 of the Liquor Control Act of 1934 or a similar provision of
17 a local ordinance, in which case the suspension shall be
18 for a period of 3 months;

19 44. Is under the age of 21 years at the time of arrest
20 and has been convicted of an offense against traffic
21 regulations governing the movement of vehicles after
22 having previously had his or her driving privileges
23 suspended or revoked pursuant to subparagraph 36 of this
24 Section;

25 45. Has, in connection with or during the course of a
26 formal hearing conducted under Section 2-118 of this Code:

1 (i) committed perjury; (ii) submitted fraudulent or
2 falsified documents; (iii) submitted documents that have
3 been materially altered; or (iv) submitted, as his or her
4 own, documents that were in fact prepared or composed for
5 another person;

6 46. Has committed a violation of subsection (j) of
7 Section 3-413 of this Code;

8 47. Has committed a violation of Section 11-502.1 of
9 this Code; or

10 48. Has submitted a falsified or altered medical
11 examiner's certificate to the Secretary of State or
12 provided false information to obtain a medical examiner's
13 certificate.

14 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
15 and 27 of this subsection, license means any driver's license,
16 any traffic ticket issued when the person's driver's license is
17 deposited in lieu of bail, a suspension notice issued by the
18 Secretary of State, a duplicate or corrected driver's license,
19 a probationary driver's license or a temporary driver's
20 license.

21 (b) If any conviction forming the basis of a suspension or
22 revocation authorized under this Section is appealed, the
23 Secretary of State may rescind or withhold the entry of the
24 order of suspension or revocation, as the case may be, provided
25 that a certified copy of a stay order of a court is filed with
26 the Secretary of State. If the conviction is affirmed on

1 appeal, the date of the conviction shall relate back to the
2 time the original judgment of conviction was entered and the 6
3 month limitation prescribed shall not apply.

4 (c) 1. Upon suspending or revoking the driver's license or
5 permit of any person as authorized in this Section, the
6 Secretary of State shall immediately notify the person in
7 writing of the revocation or suspension. The notice to be
8 deposited in the United States mail, postage prepaid, to the
9 last known address of the person.

10 2. If the Secretary of State suspends the driver's license
11 of a person under subsection 2 of paragraph (a) of this
12 Section, a person's privilege to operate a vehicle as an
13 occupation shall not be suspended, provided an affidavit is
14 properly completed, the appropriate fee received, and a permit
15 issued prior to the effective date of the suspension, unless 5
16 offenses were committed, at least 2 of which occurred while
17 operating a commercial vehicle in connection with the driver's
18 regular occupation. All other driving privileges shall be
19 suspended by the Secretary of State. Any driver prior to
20 operating a vehicle for occupational purposes only must submit
21 the affidavit on forms to be provided by the Secretary of State
22 setting forth the facts of the person's occupation. The
23 affidavit shall also state the number of offenses committed
24 while operating a vehicle in connection with the driver's
25 regular occupation. The affidavit shall be accompanied by the
26 driver's license. Upon receipt of a properly completed

1 affidavit, the Secretary of State shall issue the driver a
2 permit to operate a vehicle in connection with the driver's
3 regular occupation only. Unless the permit is issued by the
4 Secretary of State prior to the date of suspension, the
5 privilege to drive any motor vehicle shall be suspended as set
6 forth in the notice that was mailed under this Section. If an
7 affidavit is received subsequent to the effective date of this
8 suspension, a permit may be issued for the remainder of the
9 suspension period.

10 The provisions of this subparagraph shall not apply to any
11 driver required to possess a CDL for the purpose of operating a
12 commercial motor vehicle.

13 Any person who falsely states any fact in the affidavit
14 required herein shall be guilty of perjury under Section 6-302
15 and upon conviction thereof shall have all driving privileges
16 revoked without further rights.

17 3. At the conclusion of a hearing under Section 2-118 of
18 this Code, the Secretary of State shall either rescind or
19 continue an order of revocation or shall substitute an order of
20 suspension; or, good cause appearing therefor, rescind,
21 continue, change, or extend the order of suspension. If the
22 Secretary of State does not rescind the order, the Secretary
23 may upon application, to relieve undue hardship (as defined by
24 the rules of the Secretary of State), issue a restricted
25 driving permit granting the privilege of driving a motor
26 vehicle between the petitioner's residence and petitioner's

1 place of employment or within the scope of the petitioner's
2 employment related duties, or to allow the petitioner to
3 transport himself or herself, or a family member of the
4 petitioner's household to a medical facility, to receive
5 necessary medical care, to allow the petitioner to transport
6 himself or herself to and from alcohol or drug remedial or
7 rehabilitative activity recommended by a licensed service
8 provider, or to allow the petitioner to transport himself or
9 herself or a family member of the petitioner's household to
10 classes, as a student, at an accredited educational
11 institution, or to allow the petitioner to transport children,
12 elderly persons, or persons with disabilities who do not hold
13 driving privileges and are living in the petitioner's household
14 to and from daycare. The petitioner must demonstrate that no
15 alternative means of transportation is reasonably available
16 and that the petitioner will not endanger the public safety or
17 welfare.

18 (A) The Secretary of State shall require the use of
19 ignition interlock devices for a period of not less than 5
20 years if ~~if~~ a person's license or permit is revoked or
21 suspended due to 2 or more convictions of violating Section
22 11-501 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense, or Section 9-3
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 in which ~~where~~ the use of alcohol or other drugs is recited
26 as an element of the offense, or a similar out-of-state

1 offense, or a combination of these offenses, arising out of
2 separate occurrences, ~~that person,~~ if that person is issued
3 a restricted driving permit, ~~may not operate a vehicle~~
4 ~~unless it has been equipped with an ignition interlock~~
5 ~~device as defined in Section 1-129.1.~~

6 (B) If a person's license or permit is revoked or
7 suspended 2 or more times due to any combination of:

8 (i) a single conviction of violating Section
9 11-501 of this Code or a similar provision of a local
10 ordinance or a similar out-of-state offense or Section
11 9-3 of the Criminal Code of 1961 or the Criminal Code
12 of 2012, where the use of alcohol or other drugs is
13 recited as an element of the offense, or a similar
14 out-of-state offense; or

15 (ii) a statutory summary suspension or revocation
16 under Section 11-501.1; or

17 (iii) a suspension under Section 6-203.1;

18 arising out of separate occurrences; that person, if issued
19 a restricted driving permit, may not operate a vehicle
20 unless it has been equipped with an ignition interlock
21 device as defined in Section 1-129.1.

22 (B-5) If a person's license or permit is revoked or
23 suspended due to a conviction for a violation of
24 subparagraph (C) or (F) of paragraph (1) of subsection (d)
25 of Section 11-501 of this Code, or a similar provision of a
26 local ordinance or similar out-of-state offense, that

1 person, if issued a restricted driving permit, may not
2 operate a vehicle unless it has been equipped with an
3 ignition interlock device as defined in Section 1-129.1.

4 (C) The person issued a permit conditioned upon the use
5 of an ignition interlock device must pay to the Secretary
6 of State DUI Administration Fund an amount not to exceed
7 \$30 per month. The Secretary shall establish by rule the
8 amount and the procedures, terms, and conditions relating
9 to these fees.

10 (D) If the restricted driving permit is issued for
11 employment purposes, then the prohibition against
12 operating a motor vehicle that is not equipped with an
13 ignition interlock device does not apply to the operation
14 of an occupational vehicle owned or leased by that person's
15 employer when used solely for employment purposes. For any
16 person who, within a 5-year period, is convicted of a
17 second or subsequent offense under Section 11-501 of this
18 Code, or a similar provision of a local ordinance or
19 similar out-of-state offense, this employment exemption
20 does not apply until either a one-year period has elapsed
21 during which that person had his or her driving privileges
22 revoked or a one-year period has elapsed during which that
23 person had a restricted driving permit which required the
24 use of an ignition interlock device on every motor vehicle
25 owned or operated by that person.

26 (E) In each case the Secretary may issue a restricted

1 driving permit for a period deemed appropriate, except that
2 all permits shall expire within one year from the date of
3 issuance. A restricted driving permit issued under this
4 Section shall be subject to cancellation, revocation, and
5 suspension by the Secretary of State in like manner and for
6 like cause as a driver's license issued under this Code may
7 be cancelled, revoked, or suspended; except that a
8 conviction upon one or more offenses against laws or
9 ordinances regulating the movement of traffic shall be
10 deemed sufficient cause for the revocation, suspension, or
11 cancellation of a restricted driving permit. The Secretary
12 of State may, as a condition to the issuance of a
13 restricted driving permit, require the applicant to
14 participate in a designated driver remedial or
15 rehabilitative program. The Secretary of State is
16 authorized to cancel a restricted driving permit if the
17 permit holder does not successfully complete the program.

18 (F) A person subject to the provisions of paragraph 4
19 of subsection (b) of Section 6-208 of this Code may make
20 application for a restricted driving permit at a hearing
21 conducted under Section 2-118 of this Code after the
22 expiration of 5 years from the effective date of the most
23 recent revocation or after 5 years from the date of release
24 from a period of imprisonment resulting from a conviction
25 of the most recent offense, whichever is later, provided
26 the person, in addition to all other requirements of the

1 Secretary, shows by clear and convincing evidence:

2 (i) a minimum of 3 years of uninterrupted
3 abstinence from alcohol and the unlawful use or
4 consumption of cannabis under the Cannabis Control
5 Act, a controlled substance under the Illinois
6 Controlled Substances Act, an intoxicating compound
7 under the Use of Intoxicating Compounds Act, or
8 methamphetamine under the Methamphetamine Control and
9 Community Protection Act; and

10 (ii) the successful completion of any
11 rehabilitative treatment and involvement in any
12 ongoing rehabilitative activity that may be
13 recommended by a properly licensed service provider
14 according to an assessment of the person's alcohol or
15 drug use under Section 11-501.01 of this Code.

16 In determining whether an applicant is eligible for a
17 restricted driving permit under this subparagraph (F), the
18 Secretary may consider any relevant evidence, including,
19 but not limited to, testimony, affidavits, records, and the
20 results of regular alcohol or drug tests. Persons subject
21 to the provisions of paragraph 4 of subsection (b) of
22 Section 6-208 of this Code and who have been convicted of
23 more than one violation of paragraph (3), paragraph (4), or
24 paragraph (5) of subsection (a) of Section 11-501 of this
25 Code shall not be eligible to apply for a restricted
26 driving permit under this subparagraph (F).

1 A restricted driving permit issued under this
2 subparagraph (F) shall provide that the holder may only
3 operate motor vehicles equipped with an ignition interlock
4 device as required under paragraph (2) of subsection (c) of
5 Section 6-205 of this Code and subparagraph (A) of
6 paragraph 3 of subsection (c) of this Section. The
7 Secretary may revoke a restricted driving permit or amend
8 the conditions of a restricted driving permit issued under
9 this subparagraph (F) if the holder operates a vehicle that
10 is not equipped with an ignition interlock device, or for
11 any other reason authorized under this Code.

12 A restricted driving permit issued under this
13 subparagraph (F) shall be revoked, and the holder barred
14 from applying for or being issued a restricted driving
15 permit in the future, if the holder is convicted of a
16 violation of Section 11-501 of this Code, a similar
17 provision of a local ordinance, or a similar offense in
18 another state.

19 (c-3) In the case of a suspension under paragraph 43 of
20 subsection (a), reports received by the Secretary of State
21 under this Section shall, except during the actual time the
22 suspension is in effect, be privileged information and for use
23 only by the courts, police officers, prosecuting authorities,
24 the driver licensing administrator of any other state, the
25 Secretary of State, or the parent or legal guardian of a driver
26 under the age of 18. However, beginning January 1, 2008, if the

1 person is a CDL holder, the suspension shall also be made
2 available to the driver licensing administrator of any other
3 state, the U.S. Department of Transportation, and the affected
4 driver or motor carrier or prospective motor carrier upon
5 request.

6 (c-4) In the case of a suspension under paragraph 43 of
7 subsection (a), the Secretary of State shall notify the person
8 by mail that his or her driving privileges and driver's license
9 will be suspended one month after the date of the mailing of
10 the notice.

11 (c-5) The Secretary of State may, as a condition of the
12 reissuance of a driver's license or permit to an applicant
13 whose driver's license or permit has been suspended before he
14 or she reached the age of 21 years pursuant to any of the
15 provisions of this Section, require the applicant to
16 participate in a driver remedial education course and be
17 retested under Section 6-109 of this Code.

18 (d) This Section is subject to the provisions of the
19 Drivers License Compact.

20 (e) The Secretary of State shall not issue a restricted
21 driving permit to a person under the age of 16 years whose
22 driving privileges have been suspended or revoked under any
23 provisions of this Code.

24 (f) In accordance with 49 C.F.R. 384, the Secretary of
25 State may not issue a restricted driving permit for the
26 operation of a commercial motor vehicle to a person holding a

1 CDL whose driving privileges have been suspended, revoked,
2 cancelled, or disqualified under any provisions of this Code.

3 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,
4 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
5 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
6 99-607, eff. 7-22-16; 99-642, eff. 7-28-16.)

7 (625 ILCS 5/11-501.01)

8 Sec. 11-501.01. Additional administrative sanctions.

9 (a) After a finding of guilt and prior to any final
10 sentencing or an order for supervision, for an offense based
11 upon an arrest for a violation of Section 11-501 or a similar
12 provision of a local ordinance, individuals shall be required
13 to undergo a professional evaluation to determine if an
14 alcohol, drug, or intoxicating compound abuse problem exists
15 and the extent of the problem, and undergo the imposition of
16 treatment as appropriate. Programs conducting these
17 evaluations shall be licensed by the Department of Human
18 Services. The cost of any professional evaluation shall be paid
19 for by the individual required to undergo the professional
20 evaluation.

21 (b) Any person who is found guilty of or pleads guilty to
22 violating Section 11-501, including any person receiving a
23 disposition of court supervision for violating that Section,
24 may be required by the Court to attend a victim impact panel
25 offered by, or under contract with, a county State's Attorney's

1 office, a probation and court services department, Mothers
2 Against Drunk Driving, or the Alliance Against Intoxicated
3 Motorists. All costs generated by the victim impact panel shall
4 be paid from fees collected from the offender or as may be
5 determined by the court.

6 (c) Every person found guilty of violating Section 11-501,
7 whose operation of a motor vehicle while in violation of that
8 Section proximately caused any incident resulting in an
9 appropriate emergency response, shall be liable for the expense
10 of an emergency response as provided in subsection (i) of this
11 Section.

12 (d) The Secretary of State shall revoke the driving
13 privileges of any person convicted under Section 11-501 or a
14 similar provision of a local ordinance.

15 (e) For offenses committed before January 1, 2017, the ~~The~~
16 Secretary of State shall require the use of ignition interlock
17 devices for a period not less than 5 years on all vehicles
18 owned by a person who has been convicted of a second or
19 subsequent offense of Section 11-501 or a similar provision of
20 a local ordinance. For offenses committed on or after January
21 1, 2017, the Secretary of State shall require the use of
22 ignition interlock devices for a period of not less than 5
23 years on all vehicles owned by a person who has been convicted
24 of a second or subsequent offense under Section 11-501 of this
25 Code or a similar provision of a local ordinance or
26 out-of-state offense, Section 9-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012 in which the use of alcohol or
2 other drugs is recited as an element of the offense or a
3 similar out-of-state offense, or a combination of these
4 offenses arising out of separate occurrences, if that person is
5 issued a restricted driving permit. A person required to use an
6 ignition interlock device under this subsection (e) ~~The person~~
7 must pay to the Secretary of State DUI Administration Fund an
8 amount not to exceed \$30 for each month that he or she uses the
9 device. The Secretary shall establish by rule and regulation
10 the procedures for certification and use of the interlock
11 system, the amount of the fee, and the procedures, terms, and
12 conditions relating to these fees. During the time period in
13 which a person is required to install an ignition interlock
14 device under this subsection (e), that person shall only
15 operate vehicles in which ignition interlock devices have been
16 installed, except as allowed by subdivision (c) (5) or (d) (5) of
17 Section 6-205 of this Code.

18 (f) In addition to any other penalties and liabilities, a
19 person who is found guilty of or pleads guilty to violating
20 Section 11-501, including any person placed on court
21 supervision for violating Section 11-501, shall be assessed
22 \$750, payable to the circuit clerk, who shall distribute the
23 money as follows: \$350 to the law enforcement agency that made
24 the arrest, and \$400 shall be forwarded to the State Treasurer
25 for deposit into the General Revenue Fund. If the person has
26 been previously convicted of violating Section 11-501 or a

1 similar provision of a local ordinance, the fine shall be
2 \$1,000, and the circuit clerk shall distribute \$200 to the law
3 enforcement agency that made the arrest and \$800 to the State
4 Treasurer for deposit into the General Revenue Fund. In the
5 event that more than one agency is responsible for the arrest,
6 the amount payable to law enforcement agencies shall be shared
7 equally. Any moneys received by a law enforcement agency under
8 this subsection (f) shall be used for enforcement and
9 prevention of driving while under the influence of alcohol,
10 other drug or drugs, intoxicating compound or compounds or any
11 combination thereof, as defined by Section 11-501 of this Code,
12 including but not limited to the purchase of law enforcement
13 equipment and commodities that will assist in the prevention of
14 alcohol related criminal violence throughout the State; police
15 officer training and education in areas related to alcohol
16 related crime, including but not limited to DUI training; and
17 police officer salaries, including but not limited to salaries
18 for hire back funding for safety checkpoints, saturation
19 patrols, and liquor store sting operations. Any moneys received
20 by the Department of State Police under this subsection (f)
21 shall be deposited into the State Police DUI Fund and shall be
22 used to purchase law enforcement equipment that will assist in
23 the prevention of alcohol related criminal violence throughout
24 the State.

25 (g) The Secretary of State Police DUI Fund is created as a
26 special fund in the State treasury. All moneys received by the

1 Secretary of State Police under subsection (f) of this Section
2 shall be deposited into the Secretary of State Police DUI Fund
3 and, subject to appropriation, shall be used for enforcement
4 and prevention of driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof, as defined by Section 11-501 of this Code,
7 including but not limited to the purchase of law enforcement
8 equipment and commodities to assist in the prevention of
9 alcohol related criminal violence throughout the State; police
10 officer training and education in areas related to alcohol
11 related crime, including but not limited to DUI training; and
12 police officer salaries, including but not limited to salaries
13 for hire back funding for safety checkpoints, saturation
14 patrols, and liquor store sting operations.

15 (h) Whenever an individual is sentenced for an offense
16 based upon an arrest for a violation of Section 11-501 or a
17 similar provision of a local ordinance, and the professional
18 evaluation recommends remedial or rehabilitative treatment or
19 education, neither the treatment nor the education shall be the
20 sole disposition and either or both may be imposed only in
21 conjunction with another disposition. The court shall monitor
22 compliance with any remedial education or treatment
23 recommendations contained in the professional evaluation.
24 Programs conducting alcohol or other drug evaluation or
25 remedial education must be licensed by the Department of Human
26 Services. If the individual is not a resident of Illinois,

1 however, the court may accept an alcohol or other drug
2 evaluation or remedial education program in the individual's
3 state of residence. Programs providing treatment must be
4 licensed under existing applicable alcoholism and drug
5 treatment licensure standards.

6 (i) In addition to any other fine or penalty required by
7 law, an individual convicted of a violation of Section 11-501,
8 Section 5-7 of the Snowmobile Registration and Safety Act,
9 Section 5-16 of the Boat Registration and Safety Act, or a
10 similar provision, whose operation of a motor vehicle,
11 snowmobile, or watercraft while in violation of Section 11-501,
12 Section 5-7 of the Snowmobile Registration and Safety Act,
13 Section 5-16 of the Boat Registration and Safety Act, or a
14 similar provision proximately caused an incident resulting in
15 an appropriate emergency response, shall be required to make
16 restitution to a public agency for the costs of that emergency
17 response. The restitution may not exceed \$1,000 per public
18 agency for each emergency response. As used in this subsection
19 (i), "emergency response" means any incident requiring a
20 response by a police officer, a firefighter carried on the
21 rolls of a regularly constituted fire department, or an
22 ambulance. With respect to funds designated for the Department
23 of State Police, the moneys shall be remitted by the circuit
24 court clerk to the State Police within one month after receipt
25 for deposit into the State Police DUI Fund. With respect to
26 funds designated for the Department of Natural Resources, the

1 Department of Natural Resources shall deposit the moneys into
2 the Conservation Police Operations Assistance Fund.

3 (j) A person that is subject to a chemical test or tests of
4 blood under subsection (a) of Section 11-501.1 or subdivision
5 (c) (2) of Section 11-501.2 of this Code, whether or not that
6 person consents to testing, shall be liable for the expense up
7 to \$500 for blood withdrawal by a physician authorized to
8 practice medicine, a licensed physician assistant, a licensed
9 advanced practice nurse, a registered nurse, a trained
10 phlebotomist, a licensed paramedic, or a qualified person other
11 than a police officer approved by the Department of State
12 Police to withdraw blood, who responds, whether at a law
13 enforcement facility or a health care facility, to a police
14 department request for the drawing of blood based upon refusal
15 of the person to submit to a lawfully requested breath test or
16 probable cause exists to believe the test would disclose the
17 ingestion, consumption, or use of drugs or intoxicating
18 compounds if:

19 (1) the person is found guilty of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance; or

22 (2) the person pleads guilty to or stipulates to facts
23 supporting a violation of Section 11-503 of this Code or a
24 similar provision of a local ordinance when the plea or
25 stipulation was the result of a plea agreement in which the
26 person was originally charged with violating Section

1 11-501 of this Code or a similar local ordinance.
2 (Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13;
3 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16;
4 99-642, eff. 7-28-16.)