



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1934

Introduced 1/16/2008, by Sen. Antonio Munoz

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Identification Card Act. Provides that the card prepared by the Secretary of State shall include the signature or mark of the applicant. Amends the School Code. Deletes language providing that a school district may provide an equivalent alternative to 6 hours of individual behind-the-wheel instruction in its driver education course. Amends the Illinois Vehicle Code. Provides that the fact that a vehicle does or does not qualify as a charitable vehicle does not determine whether or not the driver is required to have a commercial driver's license. Provides that the Secretary of State (rather than the circuit court) imposes a statutory summary suspension of a driver's privileges for violations relating to alcohol or other drugs. Provides that a graduated driver's license or permit shall not be issued to a person under the age of 18 years who has committed the offense of driving without a valid license or permit in another state or who has been convicted of or adjudicated delinquent based upon a violation of the Use of Intoxicating Compounds Act. Provides that the driver's license issued to an applicant shall bear the applicant's signature. Provides that the photograph and signature on a driver's license, permit, or identification card may be disclosed to out of state law enforcement officials. Provides that the Secretary shall revoke the license of any person convicted a second or subsequent time of driving while his or her license was revoked for the offense of reckless homicide. Makes other changes. Amends the Child Passenger Protection Act with regard to which persons are required to secure a passenger under the age of 19 in a seat safety belt or child restraint system. Includes a nonacceleration provision. Effective June 1, 2008.

LRB095 18678 EFG 44772 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Identification Card Act is amended
5 by changing Section 4 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification Card.

8 (a) The Secretary of State shall issue a standard Illinois
9 Identification Card to any natural person who is a resident of
10 the State of Illinois who applies for such card, or renewal
11 thereof, or who applies for a standard Illinois Identification
12 Card upon release as a committed person on parole, mandatory
13 supervised release, final discharge, or pardon from the
14 Department of Corrections by submitting an identification card
15 issued by the Department of Corrections under Section 3-14-1 of
16 the Unified Code of Corrections, together with the prescribed
17 fees. No identification card shall be issued to any person who
18 holds a valid foreign state identification card, license, or
19 permit unless the person first surrenders to the Secretary of
20 State the valid foreign state identification card, license, or
21 permit. The card shall be prepared and supplied by the
22 Secretary of State and shall include a photograph and signature
23 or mark of the applicant. ~~The applicant, upon receipt of a card~~

1 ~~and prior to its use for any purpose, shall affix his signature~~
2 ~~thereon in the space provided therefor.~~ The Illinois
3 Identification Card may be used for identification purposes in
4 any lawful situation only by the person to whom it was issued.
5 As used in this Act, "photograph" means any color photograph or
6 digitally produced and captured image of an applicant for an
7 identification card. As used in this Act, "signature" means the
8 name of a person as written by that person and captured in a
9 manner acceptable to the Secretary of State.

10 (b) The Secretary of State shall issue a special Illinois
11 Identification Card, which shall be known as an Illinois
12 Disabled Person Identification Card, to any natural person who
13 is a resident of the State of Illinois, who is a disabled
14 person as defined in Section 4A of this Act, who applies for
15 such card, or renewal thereof. No Disabled Person
16 Identification Card shall be issued to any person who holds a
17 valid foreign state identification card, license, or permit
18 unless the person first surrenders to the Secretary of State
19 the valid foreign state identification card, license, or
20 permit. The Secretary of State shall charge no fee to issue
21 such card. The card shall be prepared and supplied by the
22 Secretary of State, and shall include a photograph and
23 signature or mark of the applicant, a designation indicating
24 that the card is an Illinois Disabled Person Identification
25 Card, and shall include a comprehensible designation of the
26 type and classification of the applicant's disability as set

1 out in Section 4A of this Act. If the applicant so requests,
2 the card shall include a description of the applicant's
3 disability and any information about the applicant's
4 disability or medical history which the Secretary determines
5 would be helpful to the applicant in securing emergency medical
6 care. ~~The applicant, upon receipt of such a card and prior to~~
7 ~~its use for any purpose, shall have affixed thereon in the~~
8 ~~space provided therefor his signature or mark. If a mark is~~
9 ~~used in lieu of a signature, such mark shall be affixed to the~~
10 ~~card in the presence of two witnesses who attest to the~~
11 ~~authenticity of the mark.~~ The Illinois Disabled Person
12 Identification Card may be used for identification purposes in
13 any lawful situation by the person to whom it was issued.

14 The Illinois Disabled Person Identification Card may be
15 used as adequate documentation of disability in lieu of a
16 physician's determination of disability, a determination of
17 disability from a physician assistant who has been delegated
18 the authority to make this determination by his or her
19 supervising physician, a determination of disability from an
20 advanced practice nurse who has a written collaborative
21 agreement with a collaborating physician that authorizes the
22 advanced practice nurse to make this determination, or any
23 other documentation of disability whenever any State law
24 requires that a disabled person provide such documentation of
25 disability, however an Illinois Disabled Person Identification
26 Card shall not qualify the cardholder to participate in any

1 program or to receive any benefit which is not available to all
2 persons with like disabilities. Notwithstanding any other
3 provisions of law, an Illinois Disabled Person Identification
4 Card, or evidence that the Secretary of State has issued an
5 Illinois Disabled Person Identification Card, shall not be used
6 by any person other than the person named on such card to prove
7 that the person named on such card is a disabled person or for
8 any other purpose unless the card is used for the benefit of
9 the person named on such card, and the person named on such
10 card consents to such use at the time the card is so used.

11 When medical information is contained on an Illinois
12 Disabled Person Identification Card, the Office of the
13 Secretary of State shall not be liable for any actions taken
14 based upon that medical information.

15 (c) Beginning January 1, 1986, the Secretary of State shall
16 provide that each original or renewal Illinois Identification
17 Card or Illinois Disabled Person Identification Card issued to
18 a person under the age of 21, shall be of a distinct nature
19 from those Illinois Identification Cards or Illinois Disabled
20 Person Identification Cards issued to individuals 21 years of
21 age or older. The color designated for Illinois Identification
22 Cards or Illinois Disabled Person Identification Cards for
23 persons under the age of 21 shall be at the discretion of the
24 Secretary of State.

25 (c-1) Beginning January 1, 2003, each original or renewal
26 Illinois Identification Card or Illinois Disabled Person

1 Identification Card issued to a person under the age of 21
2 shall display the date upon which the person becomes 18 years
3 of age and the date upon which the person becomes 21 years of
4 age.

5 (d) The Secretary of State may issue a Senior Citizen
6 discount card, to any natural person who is a resident of the
7 State of Illinois who is 60 years of age or older and who
8 applies for such a card or renewal thereof. The Secretary of
9 State shall charge no fee to issue such card. The card shall be
10 issued in every county and applications shall be made available
11 at, but not limited to, nutrition sites, senior citizen centers
12 and Area Agencies on Aging. The applicant, upon receipt of such
13 card and prior to its use for any purpose, shall have affixed
14 thereon in the space provided therefor his signature or mark.

15 (Source: P.A. 92-240, eff. 1-1-02; 92-689, eff. 1-1-03; 93-182,
16 eff. 7-11-03; 93-895, eff. 1-1-05.)

17 Section 10. The School Code is amended by changing Sections
18 27-23 and 27-24.4 as follows:

19 (105 ILCS 5/27-23) (from Ch. 122, par. 27-23)

20 Sec. 27-23. Motor Vehicle Code. The curriculum in all
21 public schools shall include a course dealing with the content
22 of Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle
23 Code, the rules and regulations adopted pursuant to those
24 Chapters insofar as they pertain to the operation of motor

1 vehicles, and the portions of the Litter Control Act relating
2 to the operation of motor vehicles. Instruction shall be given
3 in safety education in each grade, 1 through 8, equivalent to 1
4 class period each week, and in at least 1 of the years in
5 grades 10 through 12. The course of instruction required of
6 each eligible student at the high school level shall consist of
7 a minimum of 30 clock hours of classroom instruction taught by
8 a certified high school teacher who has acquired special
9 qualifications as required for participation under the terms of
10 Section 27-24.2 of this Act. Each school district maintaining
11 grades 9 through 12: (i) shall provide the classroom course for
12 each public and non-public high school student resident of the
13 school district who either has received a passing grade in at
14 least 8 courses during the previous 2 semesters or has received
15 a waiver of that requirement from the local superintendent of
16 schools (with respect to a public high school student) or chief
17 school administrator (with respect to a non-public high school
18 student), as provided in Section 27-24.2, and for each
19 out-of-school resident of the district between the age of 15
20 and 21 years who requests the classroom course, and (ii) may
21 provide such classroom course for any resident of the district
22 over age 55 who requests the classroom course, but only if
23 space therein remains available after all eligible public and
24 non-public high school student residents and out-of-school
25 residents between the age of 15 and 21 who request such course
26 have registered therefor, and only if such resident of the

1 district over age 55 has not previously been licensed as a
2 driver under the laws of this or any other state or country.
3 Each school district (i) shall provide an approved course in
4 practice driving consisting of a minimum of 6 clock hours of
5 individual behind-the-wheel instruction ~~or its equivalent~~ in a
6 ~~car, as determined by the State Board of Education,~~ for each
7 eligible resident of the district between the age of 15 and 21
8 years who has started an approved high school classroom driver
9 education course on request, and (ii) may provide such approved
10 course in practice driving for any resident of the district
11 over age 55 on request and without regard to whether or not
12 such resident has started any high school classroom driver
13 education course, but only if space therein remains available
14 after all eligible residents of the district between the ages
15 of 15 and 21 years who have started an approved classroom
16 driver education course and who request such course in practice
17 driving have registered therefor, and only if such resident of
18 the district over age 55 has not previously been licensed as a
19 driver under the laws of this or any other state or country.
20 Subject to rules and regulations of the State Board of
21 Education, the district may charge a reasonable fee, not to
22 exceed \$50, to students who participate in the course, unless a
23 student is unable to pay for such a course, in which event the
24 fee for such a student shall be waived. The total amount from
25 driver education fees and reimbursement from the State for
26 driver education must not exceed the total cost of the driver

1 education program in any year and must be deposited into the
2 school district's driver education fund as a separate line item
3 budget entry. All moneys deposited into the school district's
4 driver education fund must be used solely for the funding of a
5 high school driver education program approved by the State
6 Board of Education that uses instructors certified by the State
7 Board of Education. If a district provides the classroom or
8 practice driving course or both of such courses to any
9 residents of the district over age 55, the district may charge
10 such residents a fee in any amount up to but not exceeding the
11 actual cost of the course or courses in which such residents
12 participate. The course of instruction given in grades 10
13 through 12 shall include an emphasis on the development of
14 knowledge, attitudes, habits and skills necessary for the safe
15 operation of motor vehicles including motorcycles insofar as
16 they can be taught in the classroom, and in addition the course
17 shall include instruction on special hazards existing at, and
18 required extra safety and driving precautions that must be
19 observed at, emergency situations, highway construction and
20 maintenance zones, and railroad crossings and the approaches
21 thereto.

22 (Source: P.A. 94-426, eff. 1-1-06.)

23 (105 ILCS 5/27-24.4) (from Ch. 122, par. 27-24.4)

24 Sec. 27-24.4. Reimbursement amount. Each school district
25 shall be entitled to reimbursement, for each pupil, excluding

1 each resident of the district over age 55, who finishes either
2 the classroom instruction part or the practice driving part of
3 a driver education course that meets the minimum requirements
4 of this Act. However, if a school district has adopted a policy
5 to permit proficiency examinations for the practice driving
6 part of the driver education course as provided under Section
7 27-24.3 (under which proficiency examinations may not be used
8 for the practice driving part of the driver education course on
9 or after July 1, 2008), then the school district is entitled to
10 only one-half of the reimbursement amount for the practice
11 driving part for each pupil who has passed the proficiency
12 examination, and the State Board of Education shall adjust the
13 reimbursement formula accordingly. Reimbursement under this
14 Act is payable from the Drivers Education Fund in the State
15 treasury.

16 Each year all funds appropriated from the Drivers Education
17 Fund to the State Board of Education, with the exception of
18 those funds necessary for administrative purposes of the State
19 Board of Education, shall be distributed in the manner provided
20 in this paragraph to school districts by the State Board of
21 Education for reimbursement of claims from the previous school
22 year. As soon as may be after each quarter of the year, if
23 moneys are available in the Drivers Education Fund in the State
24 treasury for payments under this Section, the State Comptroller
25 shall draw his or her warrants upon the State Treasurer as
26 directed by the State Board of Education. The warrant for each

1 quarter shall be in an amount equal to one-fourth of the total
2 amount to be distributed to school districts for the year.
3 Payments shall be made to school districts as soon as may be
4 after receipt of the warrants.

5 The base reimbursement amount shall be calculated by the
6 State Board by dividing the total amount appropriated for
7 distribution by the total of: (a) the number of students,
8 excluding residents of the district over age 55, who have
9 completed the classroom instruction part for whom valid claims
10 have been made times 0.2; plus (b) the number of students,
11 excluding residents of the district over age 55, who have
12 completed the practice driving instruction part for whom valid
13 claims have been made times 0.8.

14 The amount of reimbursement to be distributed on each claim
15 shall be 0.2 times the base reimbursement amount for each
16 validly claimed student, excluding residents of the district
17 over age 55, who has completed the classroom instruction part,
18 plus 0.8 times the base reimbursement amount for each validly
19 claimed student, excluding residents of the district over age
20 55, who has completed the practice driving instruction part.
21 The school district which is the residence of a pupil who
22 attends a nonpublic school in another district that has
23 furnished the driver education course shall reimburse the
24 district offering the course, the difference between the actual
25 per capita cost of giving the course the previous school year
26 and the amount reimbursed by the State.

1 By April 1 the nonpublic school shall notify the district
2 offering the course of the names and district numbers of the
3 nonresident students desiring to take such course the next
4 school year. The district offering such course shall notify the
5 district of residence of those students affected by April 15.
6 The school district furnishing the course may claim the
7 nonresident pupil for the purpose of making a claim for State
8 reimbursement under this Act.

9 (Source: P.A. 94-440, eff. 8-4-05; 94-525, eff. 1-1-06; 95-331,
10 eff. 8-21-07.)

11 Section 15. The Illinois Vehicle Code is amended by
12 changing Sections 1-111.1a, 1-197.5, 6-103, 6-107, 6-110,
13 6-110.1, 6-205, 6-206, and 6-514 as follows:

14 (625 ILCS 5/1-111.1a) (from Ch. 95 1/2, par. 1-171.01)

15 Sec. 1-111.1a. Charitable vehicle.

16 (a) Any vehicle that is exclusively owned and operated by a
17 religious or charitable not-for-profit organization and is
18 used primarily in conducting the official activities of such
19 organization.

20 (b) This definition does not include:

21 (1) a bus operated by a public utility, municipal
22 corporation or common carrier authorized to conduct local
23 or interurban transportation of passengers when such bus is
24 on a regularly scheduled route for the transportation of

1 other fare paying passengers or furnishing charter service
2 for the transportation of groups on special trips or in
3 connection with special events and not over a regular or
4 customary religious organization bus route;

5 (2) a school bus as defined in Section 1-182 of this
6 Code; or

7 (3) a First Division vehicle, other than one designed
8 for transporting not less than 7 nor more than 10
9 passengers, as defined in Section 1-217 of this Code;
10 except that for purposes of determining the number of
11 persons a vehicle is designed to carry, in any vehicle
12 equipped with one or more wheelchair tiedowns, each
13 wheelchair tiedown shall be counted as 4 persons; this is
14 for registration purposes only for the First Division
15 classification, and is not to be used for determining the
16 need for a driver to possess a commercial driver's license.

17 (Source: P.A. 90-89, eff. 1-1-98; 91-64, eff. 1-1-00.)

18 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

19 Sec. 1-197.5. Statutory summary alcohol or other drug
20 related suspension of driver's privileges. The withdrawal by
21 the Secretary of State ~~circuit court~~ of a person's license or
22 privilege to operate a motor vehicle on the public highways for
23 the periods provided in Section 6-208.1. Reinstatement after
24 the suspension period shall occur after all appropriate fees
25 have been paid, ~~unless the court notifies the Secretary of~~

1 ~~State that the person should be disqualified.~~ The bases for
2 this withdrawal of driving privileges shall be the individual's
3 refusal to submit to or failure to complete a chemical test or
4 tests following an arrest for the offense of driving under the
5 influence of alcohol, other drugs, or intoxicating compounds,
6 or any combination thereof, or submission to such a test or
7 tests indicating an alcohol concentration of 0.08 or more as
8 provided in Section 11-501.1 of this Code.

9 (Source: P.A. 92-834, eff. 8-22-02.)

10 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

11 Sec. 6-103. What persons shall not be licensed as drivers
12 or granted permits. The Secretary of State shall not issue,
13 renew, or allow the retention of any driver's license nor issue
14 any permit under this Code:

15 1. To any person, as a driver, who is under the age of
16 18 years except as provided in Section 6-107, and except
17 that an instruction permit may be issued under Section
18 6-107.1 to a child who is not less than 15 years of age if
19 the child is enrolled in an approved driver education
20 course as defined in Section 1-103 of this Code and
21 requires an instruction permit to participate therein,
22 except that an instruction permit may be issued under the
23 provisions of Section 6-107.1 to a child who is 17 years
24 and 3 months of age without the child having enrolled in an
25 approved driver education course and except that an

1 instruction permit may be issued to a child who is at least
2 15 years and 6 months of age, is enrolled in school, meets
3 the educational requirements of the Driver Education Act,
4 and has passed examinations the Secretary of State in his
5 or her discretion may prescribe;

6 2. To any person who is under the age of 18 as an
7 operator of a motorcycle other than a motor driven cycle
8 unless the person has, in addition to meeting the
9 provisions of Section 6-107 of this Code, successfully
10 completed a motorcycle training course approved by the
11 Illinois Department of Transportation and successfully
12 completes the required Secretary of State's motorcycle
13 driver's examination;

14 3. To any person, as a driver, whose driver's license
15 or permit has been suspended, during the suspension, nor to
16 any person whose driver's license or permit has been
17 revoked, except as provided in Sections 6-205, 6-206, and
18 6-208;

19 4. To any person, as a driver, who is a user of alcohol
20 or any other drug to a degree that renders the person
21 incapable of safely driving a motor vehicle;

22 5. To any person, as a driver, who has previously been
23 adjudged to be afflicted with or suffering from any mental
24 or physical disability or disease and who has not at the
25 time of application been restored to competency by the
26 methods provided by law;

1 6. To any person, as a driver, who is required by the
2 Secretary of State to submit an alcohol and drug evaluation
3 or take an examination provided for in this Code unless the
4 person has successfully passed the examination and
5 submitted any required evaluation;

6 7. To any person who is required under the provisions
7 of the laws of this State to deposit security or proof of
8 financial responsibility and who has not deposited the
9 security or proof;

10 8. To any person when the Secretary of State has good
11 cause to believe that the person by reason of physical or
12 mental disability would not be able to safely operate a
13 motor vehicle upon the highways, unless the person shall
14 furnish to the Secretary of State a verified written
15 statement, acceptable to the Secretary of State, from a
16 competent medical specialist to the effect that the
17 operation of a motor vehicle by the person would not be
18 inimical to the public safety;

19 9. To any person, as a driver, who is 69 years of age
20 or older, unless the person has successfully complied with
21 the provisions of Section 6-109;

22 10. To any person convicted, within 12 months of
23 application for a license, of any of the sexual offenses
24 enumerated in paragraph 2 of subsection (b) of Section
25 6-205;

26 11. To any person who is under the age of 21 years with

1 a classification prohibited in paragraph (b) of Section
2 6-104 and to any person who is under the age of 18 years
3 with a classification prohibited in paragraph (c) of
4 Section 6-104;

5 12. To any person who has been either convicted of or
6 adjudicated under the Juvenile Court Act of 1987 based upon
7 a violation of the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act while that person was in
10 actual physical control of a motor vehicle. For purposes of
11 this Section, any person placed on probation under Section
12 10 of the Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substances Act, or Section 70 of the
14 Methamphetamine Control and Community Protection Act shall
15 not be considered convicted. Any person found guilty of
16 this offense, while in actual physical control of a motor
17 vehicle, shall have an entry made in the court record by
18 the judge that this offense did occur while the person was
19 in actual physical control of a motor vehicle and order the
20 clerk of the court to report the violation to the Secretary
21 of State as such. The Secretary of State shall not issue a
22 new license or permit for a period of one year;

23 13. To any person who is under the age of 18 years and
24 who has committed the offense of operating a motor vehicle
25 without a valid license or permit in violation of Section
26 6-101 or a similar out of state offense;

1 14. To any person who is 90 days or more delinquent in
2 court ordered child support payments or has been
3 adjudicated in arrears in an amount equal to 90 days'
4 obligation or more and who has been found in contempt of
5 court for failure to pay the support, subject to the
6 requirements and procedures of Article VII of Chapter 7 of
7 the Illinois Vehicle Code;

8 14.5. To any person certified by the Illinois
9 Department of Healthcare and Family Services as being 90
10 days or more delinquent in payment of support under an
11 order of support entered by a court or administrative body
12 of this or any other State, subject to the requirements and
13 procedures of Article VII of Chapter 7 of this Code
14 regarding those certifications;

15 15. To any person released from a term of imprisonment
16 for violating Section 9-3 of the Criminal Code of 1961 or a
17 similar provision of a law of another state relating to
18 reckless homicide or for violating subparagraph (F) of
19 paragraph (1) of subsection (d) of Section 11-501 of this
20 Code relating to aggravated driving under the influence of
21 alcohol, other drug or drugs, intoxicating compound or
22 compounds, or any combination thereof, if the violation was
23 the proximate cause of a death, within 24 months of release
24 from a term of imprisonment;

25 16. To any person who, with intent to influence any act
26 related to the issuance of any driver's license or permit,

1 by an employee of the Secretary of State's Office, or the
2 owner or employee of any commercial driver training school
3 licensed by the Secretary of State, or any other individual
4 authorized by the laws of this State to give driving
5 instructions or administer all or part of a driver's
6 license examination, promises or tenders to that person any
7 property or personal advantage which that person is not
8 authorized by law to accept. Any persons promising or
9 tendering such property or personal advantage shall be
10 disqualified from holding any class of driver's license or
11 permit for 120 consecutive days. The Secretary of State
12 shall establish by rule the procedures for implementing
13 this period of disqualification and the procedures by which
14 persons so disqualified may obtain administrative review
15 of the decision to disqualify;

16 17. To any person for whom the Secretary of State
17 cannot verify the accuracy of any information or
18 documentation submitted in application for a driver's
19 license; or

20 18. To any person who has been adjudicated under the
21 Juvenile Court Act of 1987 based upon an offense that is
22 determined by the court to have been committed in
23 furtherance of the criminal activities of an organized
24 gang, as provided in Section 5-710 of that Act, and that
25 involved the operation or use of a motor vehicle or the use
26 of a driver's license or permit. The person shall be denied

1 a license or permit for the period determined by the court.

2 The Secretary of State shall retain all conviction
3 information, if the information is required to be held
4 confidential under the Juvenile Court Act of 1987.

5 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;
6 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; revised 11-16-07.)

7 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

8 Sec. 6-107. Graduated license.

9 (a) The purpose of the Graduated Licensing Program is to
10 develop safe and mature driving habits in young, inexperienced
11 drivers and reduce or prevent motor vehicle accidents,
12 fatalities, and injuries by:

13 (1) providing for an increase in the time of practice
14 period before granting permission to obtain a driver's
15 license;

16 (2) strengthening driver licensing and testing
17 standards for persons under the age of 21 years;

18 (3) sanctioning driving privileges of drivers under
19 age 21 who have committed serious traffic violations or
20 other specified offenses; and

21 (4) setting stricter standards to promote the public's
22 health and safety.

23 (b) The application of any person under the age of 18
24 years, and not legally emancipated by marriage, for a drivers
25 license or permit to operate a motor vehicle issued under the

1 laws of this State, shall be accompanied by the written consent
2 of either parent of the applicant; otherwise by the guardian
3 having custody of the applicant, or in the event there is no
4 parent or guardian, then by another responsible adult. The
5 written consent must accompany any application for a driver's
6 license under this subsection (b), regardless of whether or not
7 the required written consent also accompanied the person's
8 previous application for an instruction permit.

9 No graduated driver's license shall be issued to any
10 applicant under 18 years of age, unless the applicant is at
11 least 16 years of age and has:

12 (1) Held a valid instruction permit for a minimum of 9
13 months.

14 (2) Passed an approved driver education course and
15 submits proof of having passed the course as may be
16 required.

17 (3) Certification by the parent, legal guardian, or
18 responsible adult that the applicant has had a minimum of
19 50 hours of behind-the-wheel practice time, at least 10
20 hours of which have been at night, and is sufficiently
21 prepared and able to safely operate a motor vehicle.

22 (b-1) No graduated driver's license shall be issued to any
23 applicant who is under 18 years of age and not legally
24 emancipated by marriage, unless the applicant has graduated
25 from a secondary school of this State or any other state, is
26 enrolled in a course leading to a general educational

1 development (GED) certificate, has obtained a GED certificate,
2 is enrolled in an elementary or secondary school or college or
3 university of this State or any other state and is not a
4 chronic or habitual truant as provided in Section 26-2a of the
5 School Code, or is receiving home instruction and submits proof
6 of meeting any of those requirements at the time of
7 application.

8 An applicant under 18 years of age who provides proof
9 acceptable to the Secretary that the applicant has resumed
10 regular school attendance or home instruction or that his or
11 her application was denied in error shall be eligible to
12 receive a graduated license if other requirements are met. The
13 Secretary shall adopt rules for implementing this subsection
14 (b-1).

15 (c) No graduated driver's license or permit shall be issued
16 to any applicant under 18 years of age who has committed the
17 offense of operating a motor vehicle without a valid license or
18 permit in violation of Section 6-101 of this Code or a similar
19 out of state offense and no graduated driver's license or
20 permit shall be issued to any applicant under 18 years of age
21 who has committed an offense that would otherwise result in a
22 mandatory revocation of a license or permit as provided in
23 Section 6-205 of this Code or who has been either convicted of
24 or adjudicated a delinquent based upon a violation of the
25 Cannabis Control Act, the Illinois Controlled Substances Act,
26 the Use of Intoxicating Compounds Act, or the Methamphetamine

1 Control and Community Protection Act while that individual was
2 in actual physical control of a motor vehicle. For purposes of
3 this Section, any person placed on probation under Section 10
4 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substances Act, or Section 70 of the Methamphetamine
6 Control and Community Protection Act shall not be considered
7 convicted. Any person found guilty of this offense, while in
8 actual physical control of a motor vehicle, shall have an entry
9 made in the court record by the judge that this offense did
10 occur while the person was in actual physical control of a
11 motor vehicle and order the clerk of the court to report the
12 violation to the Secretary of State as such.

13 (d) No graduated driver's license shall be issued for 9
14 months to any applicant under the age of 18 years who has
15 committed and subsequently been convicted of an offense against
16 traffic regulations governing the movement of vehicles or any
17 violation of this Section or Section 12-603.1 of this Code.

18 (e) No graduated driver's license holder under the age of
19 18 years shall operate any motor vehicle, except a motor driven
20 cycle or motorcycle, with more than one passenger in the front
21 seat of the motor vehicle and no more passengers in the back
22 seats than the number of available seat safety belts as set
23 forth in Section 12-603 of this Code. If a graduated driver's
24 license holder over the age of 18 committed an offense against
25 traffic regulations governing the movement of vehicles or any
26 violation of this Section or Section 12-603.1 of this Code in

1 the 6 months prior to the graduated driver's license holder's
2 18th birthday, and was subsequently convicted of the violation,
3 the provisions of this paragraph shall continue to apply until
4 such time as a period of 6 consecutive months has elapsed
5 without an additional violation and subsequent conviction of an
6 offense against traffic regulations governing the movement of
7 vehicles or any violation of this Section or Section 12-603.1
8 of this Code.

9 (f) No graduated driver's license holder under the age of
10 18 shall operate a motor vehicle unless each driver and
11 passenger under the age of 19 is wearing a properly adjusted
12 and fastened seat safety belt and each child under the age of 8
13 is protected as required under the Child Passenger Protection
14 Act. If a graduated driver's license holder over the age of 18
15 committed an offense against traffic regulations governing the
16 movement of vehicles or any violation of this Section or
17 Section 12-603.1 of this Code in the 6 months prior to the
18 graduated driver's license holder's 18th birthday, and was
19 subsequently convicted of the violation, the provisions of this
20 paragraph shall continue to apply until such time as a period
21 of 6 consecutive months has elapsed without an additional
22 violation and subsequent conviction of an offense against
23 traffic regulations governing the movement of vehicles or any
24 violation of this Section or Section 12-603.1 of this Code.

25 (g) If a graduated driver's license holder is under the age
26 of 18 when he or she receives the license, for the first 12

1 months he or she holds the license or until he or she reaches
2 the age of 18, whichever occurs sooner, the graduated license
3 holder may not operate a motor vehicle with more than one
4 passenger in the vehicle who is under the age of 20, unless any
5 additional passenger or passengers are siblings,
6 step-siblings, children, or stepchildren of the driver. If a
7 graduated driver's license holder committed an offense against
8 traffic regulations governing the movement of vehicles or any
9 violation of this Section or Section 12-603.1 of this Code
10 during the first 12 months the license is held and subsequently
11 is convicted of the violation, the provisions of this paragraph
12 shall remain in effect until such time as a period of 6
13 consecutive months has elapsed without an additional violation
14 and subsequent conviction of an offense against traffic
15 regulations governing the movement of vehicles or any violation
16 of this Section or Section 12-603.1 of this Code.

17 (h) It shall be an offense for a person that is age 15, but
18 under age 20, to be a passenger in a vehicle operated by a
19 driver holding a graduated driver's license during the first 12
20 months the driver holds the license or until the driver reaches
21 the age of 18, whichever occurs sooner, if another passenger
22 under the age of 20 is present, excluding a sibling,
23 step-sibling, child, or step-child of the driver.

24 (Source: P.A. 94-239, eff. 1-1-06; 94-241, eff. 1-1-06; 94-556,
25 eff. 9-11-05; 94-897, eff. 6-22-06; 94-916, eff. 7-1-07;
26 95-310, eff. 1-1-08; 95-331, eff. 8-21-07.)

1 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

2 Sec. 6-110. Licenses issued to drivers.

3 (a) The Secretary of State shall issue to every qualifying
4 applicant a driver's license as applied for, which license
5 shall bear a distinguishing number assigned to the licensee
6 ~~and~~ the legal name, signature, zip code, date of birth,
7 residence address, and a brief description of the licensee, ~~and~~
8 ~~a space where the licensee may write his usual signature.~~

9 Licenses issued shall also indicate the classification and
10 the restrictions under Section 6-104 of this Code.

11 In lieu of the social security number, the Secretary may in
12 his discretion substitute a federal tax number or other
13 distinctive number.

14 A driver's license issued may, in the discretion of the
15 Secretary, include a suitable photograph of a type prescribed
16 by the Secretary.

17 (a-1) If the licensee is less than 18 years of age, unless
18 one of the exceptions in subsection (a-2) apply, the license
19 shall, as a matter of law, be invalid for the operation of any
20 motor vehicle during the following times:

21 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

22 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
23 Sunday; and

24 (C) Between 10:00 p.m. on Sunday to Thursday,
25 inclusive, and 6:00 a.m. on the following day.

1 (a-2) The driver's license of a person under the age of 18
2 shall not be invalid as described in subsection (a-1) of this
3 Section if the licensee under the age of 18 was:

4 (1) accompanied by the licensee's parent or guardian or
5 other person in custody or control of the minor;

6 (2) on an errand at the direction of the minor's parent
7 or guardian, without any detour or stop;

8 (3) in a motor vehicle involved in interstate travel;

9 (4) going to or returning home from an employment
10 activity, without any detour or stop;

11 (5) involved in an emergency;

12 (6) going to or returning home from, without any detour
13 or stop, an official school, religious, or other
14 recreational activity supervised by adults and sponsored
15 by a government or governmental agency, a civic
16 organization, or another similar entity that takes
17 responsibility for the licensee, without any detour or
18 stop;

19 (7) exercising First Amendment rights protected by the
20 United States Constitution, such as the free exercise of
21 religion, freedom of speech, and the right of assembly; or

22 (8) married or had been married or is an emancipated
23 minor under the Emancipation of Minors Act.

24 (a-3) If a graduated driver's license holder over the age
25 of 18 committed an offense against traffic regulations
26 governing the movement of vehicles or any violation of Section

1 6-107 or Section 12-603.1 of this Code in the 6 months prior to
2 the graduated driver's license holder's 18th birthday, and was
3 subsequently convicted of the offense, the provisions of
4 subsection (a-1) shall continue to apply until such time as a
5 period of 6 consecutive months has elapsed without an
6 additional violation and subsequent conviction of an offense
7 against traffic regulations governing the movement of vehicles
8 or Section 6-107 or Section 12-603.1 of this Code.

9 (b) Until the Secretary of State establishes a First Person
10 Consent organ and tissue donor registry under Section 6-117 of
11 this Code, the Secretary of State shall provide a format on the
12 reverse of each driver's license issued which the licensee may
13 use to execute a document of gift conforming to the provisions
14 of the Illinois Anatomical Gift Act. The format shall allow the
15 licensee to indicate the gift intended, whether specific
16 organs, any organ, or the entire body, and shall accommodate
17 the signatures of the donor and 2 witnesses. The Secretary
18 shall also inform each applicant or licensee of this format,
19 describe the procedure for its execution, and may offer the
20 necessary witnesses; provided that in so doing, the Secretary
21 shall advise the applicant or licensee that he or she is under
22 no compulsion to execute a document of gift. A brochure
23 explaining this method of executing an anatomical gift document
24 shall be given to each applicant or licensee. The brochure
25 shall advise the applicant or licensee that he or she is under
26 no compulsion to execute a document of gift, and that he or she

1 may wish to consult with family, friends or clergy before doing
2 so. The Secretary of State may undertake additional efforts,
3 including education and awareness activities, to promote organ
4 and tissue donation.

5 (c) The Secretary of State shall designate on each driver's
6 license issued a space where the licensee may place a sticker
7 or decal of the uniform size as the Secretary may specify,
8 which sticker or decal may indicate in appropriate language
9 that the owner of the license carries an Emergency Medical
10 Information Card.

11 The sticker may be provided by any person, hospital,
12 school, medical group, or association interested in assisting
13 in implementing the Emergency Medical Information Card, but
14 shall meet the specifications as the Secretary may by rule or
15 regulation require.

16 (d) The Secretary of State shall designate on each driver's
17 license issued a space where the licensee may indicate his
18 blood type and RH factor.

19 (e) The Secretary of State shall provide that each original
20 or renewal driver's license issued to a licensee under 21 years
21 of age shall be of a distinct nature from those driver's
22 licenses issued to individuals 21 years of age and older. The
23 color designated for driver's licenses for licensees under 21
24 years of age shall be at the discretion of the Secretary of
25 State.

26 (e-1) The Secretary shall provide that each driver's

1 license issued to a person under the age of 21 displays the
2 date upon which the person becomes 18 years of age and the date
3 upon which the person becomes 21 years of age.

4 (f) The Secretary of State shall inform all Illinois
5 licensed commercial motor vehicle operators of the
6 requirements of the Uniform Commercial Driver License Act,
7 Article V of this Chapter, and shall make provisions to insure
8 that all drivers, seeking to obtain a commercial driver's
9 license, be afforded an opportunity prior to April 1, 1992, to
10 obtain the license. The Secretary is authorized to extend
11 driver's license expiration dates, and assign specific times,
12 dates and locations where these commercial driver's tests shall
13 be conducted. Any applicant, regardless of the current
14 expiration date of the applicant's driver's license, may be
15 subject to any assignment by the Secretary. Failure to comply
16 with the Secretary's assignment may result in the applicant's
17 forfeiture of an opportunity to receive a commercial driver's
18 license prior to April 1, 1992.

19 (g) The Secretary of State shall designate on a driver's
20 license issued, a space where the licensee may indicate that he
21 or she has drafted a living will in accordance with the
22 Illinois Living Will Act or a durable power of attorney for
23 health care in accordance with the Illinois Power of Attorney
24 Act.

25 (g-1) The Secretary of State, in his or her discretion, may
26 designate on each driver's license issued a space where the

1 licensee may place a sticker or decal, issued by the Secretary
2 of State, of uniform size as the Secretary may specify, that
3 shall indicate in appropriate language that the owner of the
4 license has renewed his or her driver's license.

5 (h) A person who acts in good faith in accordance with the
6 terms of this Section is not liable for damages in any civil
7 action or subject to prosecution in any criminal proceeding for
8 his or her act.

9 (Source: P.A. 94-75, eff. 1-1-06; 94-930, eff. 6-26-06; 95-310,
10 eff. 1-1-08.)

11 (625 ILCS 5/6-110.1)

12 Sec. 6-110.1. Confidentiality of captured photographs or
13 images. The Secretary of State shall maintain a file on or
14 contract to file all photographs and signatures obtained in the
15 process of issuing a driver's license, permit, or
16 identification card. The photographs and signatures shall be
17 confidential and shall not be disclosed except to the following
18 persons:

19 (1) the individual upon written request;

20 (2) officers and employees of the Secretary of State
21 who have a need to have access to the stored images for
22 purposes of issuing and controlling driver's licenses,
23 permits, or identification cards;

24 (3) law enforcement officials, including out of state
25 law enforcement officials, for a lawful civil or criminal

1 law enforcement investigation; ~~or~~
2 (4) the driver's licensing administrator of any other
3 state or jurisdiction; and
4 (5) ~~(4)~~ other entities that the Secretary may exempt by
5 rule.

6 (Source: P.A. 92-16, eff. 6-28-01.)

7 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)
8 Sec. 6-205. Mandatory revocation of license or permit;
9 Hardship cases.

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

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

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

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

25 4. Violation of Section 11-401 of this Code relating to

1 the offense of leaving the scene of a traffic accident
2 involving death or personal injury;

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

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

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

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

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

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

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

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

24 13. Violation of paragraph (a) of Section 11-502 of
25 this Code or a similar provision of a local ordinance if
26 the driver has been previously convicted of a violation of

1 that Section or a similar provision of a local ordinance
2 and the driver was less than 21 years of age at the time of
3 the offense;

4 14. Violation of subsection (a) of Section 11-506 of
5 this Code or a similar provision of a local ordinance
6 relating to the offense of street racing; ~~;~~

7 15. A second or subsequent conviction of driving with a
8 license that has been revoked for the offense of reckless
9 homicide.

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

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

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

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

1 shall remain in effect for the period determined by the
2 court. Upon the direction of the court, the Secretary shall
3 issue the person a judicial driving permit, also known as a
4 JDP. The JDP shall be subject to the same terms as a JDP
5 issued under Section 6-206.1, except that the court may
6 direct that a JDP issued under this subdivision (b)(3) be
7 effective immediately.

8 (c) (1) Except as provided in subsection (c-5),
9 whenever a person is convicted of any of the offenses
10 enumerated in this Section, the court may recommend and the
11 Secretary of State in his discretion, without regard to
12 whether the recommendation is made by the court may, upon
13 application, issue to the person a restricted driving
14 permit granting the privilege of driving a motor vehicle
15 between the petitioner's residence and petitioner's place
16 of employment or within the scope of the petitioner's
17 employment related duties, or to allow transportation for
18 the petitioner or a household member of the petitioner's
19 family for the receipt of necessary medical care or
20 provide transportation for the petitioner to and from
21 alcohol or drug remedial or rehabilitative activity
22 recommended by a licensed service provider, or for the
23 petitioner to attend classes, as a student, in an
24 accredited educational institution; if the petitioner is
25 able to demonstrate that no alternative means of
26 transportation is reasonably available and that the

1 petitioner will not endanger the public safety or welfare;
2 provided that the Secretary's discretion shall be limited
3 to cases where undue hardship, as defined by the rules of
4 the Secretary of State, would result from a failure to
5 issue the restricted driving permit. Those multiple
6 offenders identified in subdivision (b)4 of Section 6-208
7 of this Code, however, shall not be eligible for the
8 issuance of a restricted driving permit.

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

20 (3) If:

21 (A) a person's license or permit is revoked or
22 suspended 2 or more times within a 10 year period due
23 to any combination of:

24 (i) ~~(A)~~ a single conviction of violating
25 Section 11-501 of this Code or a similar provision
26 of a local ordinance or a similar out-of-state

1 offense, or Section 9-3 of the Criminal Code of
2 1961, where the use of alcohol or other drugs is
3 recited as an element of the offense, or a similar
4 out-of-state offense; or

5 (ii) ~~(B)~~ a statutory summary suspension under
6 Section 11-501.1; or

7 (iii) ~~(C)~~ a suspension pursuant to Section
8 6-203.1~~;~~

9 arising out of separate occurrences~~;~~ or

10 (B) ~~if~~ a person has been convicted of one violation
11 of Section 6-303 of this Code committed while his or
12 her driver's license, permit, or privilege was revoked
13 because of a violation of Section 9-3 of the Criminal
14 Code of 1961, relating to the offense of reckless
15 homicide, or a similar provision of a law of another
16 state,

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

20 ~~(4)~~ The person must pay to the Secretary of State DUI
21 Administration Fund an amount not to exceed \$20 per month.
22 The Secretary shall establish by rule the amount and the
23 procedures, terms, and conditions relating 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. ~~(6)~~ In
4 each case the Secretary of State may issue a restricted
5 driving permit for a period he deems appropriate, except
6 that the permit shall expire within one year from the date
7 of issuance. The Secretary may not, however, issue a
8 restricted driving permit to any person whose current
9 revocation is the result of a second or subsequent
10 conviction for a violation of Section 11-501 of this Code
11 or a similar provision of a local ordinance or any similar
12 out-of-state offense, or Section 9-3 of the Criminal Code
13 of 1961, where the use of alcohol or other drugs is recited
14 as an element of the offense, or any similar out-of-state
15 offense, or any combination of these offenses, until the
16 expiration of at least one year from the date of the
17 revocation. A restricted driving permit issued under this
18 Section shall be subject to cancellation, revocation, and
19 suspension by the Secretary of State in like manner and for
20 like cause as a driver's license issued under this Code may
21 be cancelled, revoked, or suspended; except that a
22 conviction upon one or more offenses against laws or
23 ordinances regulating the movement of traffic shall be
24 deemed sufficient cause for the revocation, suspension, or
25 cancellation of a restricted driving permit. The Secretary
26 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) The Secretary may not issue a restricted driving
12 permit to any person who has been convicted of a second or
13 subsequent violation of Section 6-303 of this Code committed
14 while his or her driver's license, permit, or privilege was
15 revoked because of a violation of Section 9-3 of the Criminal
16 Code of 1961, relating to the offense of reckless homicide, or
17 a similar provision of a law of another state.

18 (d) (1) Whenever a person under the age of 21 is convicted
19 under Section 11-501 of this Code or a similar provision of a
20 local ordinance, or a similar out-of-state offense, the
21 Secretary of State shall revoke the driving privileges of that
22 person. One year after the date of revocation, and upon
23 application, the Secretary of State may, if satisfied that the
24 person applying will not endanger the public safety or welfare,
25 issue a restricted driving permit granting the privilege of
26 driving a motor vehicle only between the hours of 5 a.m. and 9

1 p.m. or as otherwise provided by this Section for a period of
2 one year. After this one year period, and upon reapplication
3 for a license as provided in Section 6-106, upon payment of the
4 appropriate reinstatement fee provided under paragraph (b) of
5 Section 6-118, the Secretary of State, in his discretion, may
6 reinstate the petitioner's driver's license and driving
7 privileges, or extend the restricted driving permit as many
8 times as the Secretary of State deems appropriate, by
9 additional periods of not more than 12 months each.

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

21 (3) If a person's license or permit is revoked or
22 suspended 2 or more times within a 10 year period due to
23 any combination of:

24 (A) a single conviction 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

1 Section 9-3 of the Criminal Code of 1961, where the use
2 of alcohol or other drugs is recited as an element of
3 the offense, or a similar out-of-state offense; or

4 (B) a statutory summary suspension under Section
5 11-501.1; or

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

11 (4) The person must pay to the Secretary of State DUI
12 Administration Fund an amount not to exceed \$20 per month.
13 The Secretary shall establish by rule the amount and the
14 procedures, terms, and conditions relating to these fees.

15 (5) If the restricted driving permit is issued for
16 employment purposes, then the prohibition against driving
17 a vehicle that is not equipped with an ignition interlock
18 device does not apply to the operation of an occupational
19 vehicle owned or leased by that person's employer when used
20 solely for employment purposes.

21 (6) A restricted driving permit issued under this
22 Section shall be subject to cancellation, revocation, and
23 suspension by the Secretary of State in like manner and for
24 like cause as a driver's license issued under this Code may
25 be cancelled, revoked, or suspended; except that a
26 conviction upon one or more offenses against laws or

1 ordinances regulating the movement of traffic shall be
2 deemed sufficient cause for the revocation, suspension, or
3 cancellation of a restricted driving permit.

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

13 (e) This Section is subject to the provisions of the Driver
14 License Compact.

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

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

23 (h) The Secretary of State shall require the use of
24 ignition interlock devices on all vehicles owned by an
25 individual who has been convicted of a second or subsequent
26 offense under Section 11-501 of this Code or a similar

1 provision of a local ordinance. The Secretary shall establish
2 by rule and regulation the procedures for certification and use
3 of the interlock system.

4 (i) (Blank).

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

10 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
11 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;
12 95-627, eff. 6-1-08; revised 11-16-07.)

13 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

14 Sec. 6-206. Discretionary authority to suspend or revoke
15 license or permit; Right to a hearing.

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without preliminary
18 hearing upon a showing of the person's records or other
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required upon
22 conviction;

23 2. Has been convicted of not less than 3 offenses
24 against traffic regulations governing the movement of
25 vehicles committed within any 12 month period. No

1 revocation or suspension shall be entered more than 6
2 months after the date of last conviction;

3 3. Has been repeatedly involved as a driver in motor
4 vehicle collisions or has been repeatedly convicted of
5 offenses against laws and ordinances regulating the
6 movement of traffic, to a degree that indicates lack of
7 ability to exercise ordinary and reasonable care in the
8 safe operation of a motor vehicle or disrespect for the
9 traffic laws and the safety of other persons upon the
10 highway;

11 4. Has by the unlawful operation of a motor vehicle
12 caused or contributed to an accident resulting in death or
13 injury requiring immediate professional treatment in a
14 medical facility or doctor's office to any person, except
15 that any suspension or revocation imposed by the Secretary
16 of State under the provisions of this subsection shall
17 start no later than 6 months after being convicted of
18 violating a law or ordinance regulating the movement of
19 traffic, which violation is related to the accident, or
20 shall start not more than one year after the date of the
21 accident, whichever date occurs later;

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

24 6. Has been lawfully convicted of an offense or
25 offenses in another state, including the authorization
26 contained in Section 6-203.1, which if committed within

1 this State would be grounds for suspension or revocation;

2 7. Has refused or failed to submit to an examination
3 provided for by Section 6-207 or has failed to pass the
4 examination;

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

7 9. Has made a false statement or knowingly concealed a
8 material fact or has used false information or
9 identification in any application for a license,
10 identification card, or permit;

11 10. Has possessed, displayed, or attempted to
12 fraudulently use any license, identification card, or
13 permit not issued to the person;

14 11. Has operated a motor vehicle upon a highway of this
15 State when the person's driving privilege or privilege to
16 obtain a driver's license or permit was revoked or
17 suspended unless the operation was authorized by a
18 monitoring device driving permit, judicial driving permit
19 issued prior to January 1, 2009 ~~the effective date of this~~
20 ~~amendatory Act of the 95th General Assembly~~, probationary
21 license to drive, or a restricted driving permit issued
22 under this Code;

23 12. Has submitted to any portion of the application
24 process for another person or has obtained the services of
25 another person to submit to any portion of the application
26 process for the purpose of obtaining a license,

1 identification card, or permit for some other person;

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

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

8 15. Has been convicted of violating Section 21-2 of the
9 Criminal Code of 1961 relating to criminal trespass to
10 vehicles in which case, the suspension shall be for one
11 year;

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

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

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

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

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

26 21. Has been convicted of violating Section 11-402 of

1 this Code relating to leaving the scene of an accident
2 resulting in damage to a vehicle in excess of \$1,000, in
3 which case the suspension shall be for one year;

4 22. Has used a motor vehicle in violating paragraph
5 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
6 the Criminal Code of 1961 relating to unlawful use of
7 weapons, in which case the suspension shall be for one
8 year;

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

13 24. Has been convicted by a court-martial or punished
14 by non-judicial punishment by military authorities of the
15 United States at a military installation in Illinois of or
16 for a traffic related offense that is the same as or
17 similar to an offense specified under Section 6-205 or
18 6-206 of this Code;

19 25. Has permitted any form of identification to be used
20 by another in the application process in order to obtain or
21 attempt to obtain a license, identification card, or
22 permit;

23 26. Has altered or attempted to alter a license or has
24 possessed an altered license, identification card, or
25 permit;

26 27. Has violated Section 6-16 of the Liquor Control Act

1 of 1934;

2 28. Has been convicted of the illegal possession, while
3 operating or in actual physical control, as a driver, of a
4 motor vehicle, of any controlled substance prohibited
5 under the Illinois Controlled Substances Act, any cannabis
6 prohibited under the Cannabis Control Act, or any
7 methamphetamine prohibited under the Methamphetamine
8 Control and Community Protection Act, in which case the
9 person's driving privileges shall be suspended for one
10 year, and any driver who is convicted of a second or
11 subsequent offense, within 5 years of a previous
12 conviction, for the illegal possession, while operating or
13 in actual physical control, as a driver, of a motor
14 vehicle, of any controlled substance prohibited under the
15 Illinois Controlled Substances Act, any cannabis
16 prohibited under the Cannabis Control Act, or any
17 methamphetamine prohibited under the Methamphetamine
18 Control and Community Protection Act shall be suspended for
19 5 years. Any defendant found guilty of this offense while
20 operating a motor vehicle, shall have an entry made in the
21 court record by the presiding judge that this offense did
22 occur while the defendant was operating a motor vehicle and
23 order the clerk of the court to report the violation to the
24 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 and the manufacture,
6 sale or delivery of controlled substances or instruments
7 used for illegal drug use or abuse in which case the
8 driver's driving privileges shall be suspended for one
9 year;

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

14 31. Has refused to submit to a test as required by
15 Section 11-501.6 or has submitted to a test resulting in an
16 alcohol concentration of 0.08 or more or any amount of a
17 drug, substance, or compound resulting from the unlawful
18 use or consumption of cannabis as listed in the Cannabis
19 Control Act, a controlled substance as listed in the
20 Illinois Controlled Substances Act, an intoxicating
21 compound as listed in the Use of Intoxicating Compounds
22 Act, or methamphetamine as listed in the Methamphetamine
23 Control and Community Protection Act, in which case the
24 penalty shall be as prescribed in Section 6-208.1;

25 32. Has been convicted of Section 24-1.2 of the
26 Criminal Code of 1961 relating to the aggravated discharge

1 of a firearm if the offender was located in a motor vehicle
2 at the time the firearm was discharged, in which case the
3 suspension shall be for 3 years;

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

8 34. Has committed a violation of Section 11-1301.5 of
9 this Code;

10 35. Has committed a violation of Section 11-1301.6 of
11 this Code;

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

18 37. Has committed a violation of subsection (c) of
19 Section 11-907 of this Code;

20 38. Has been convicted of a violation of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance;

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

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

1 41. Has committed a second or subsequent violation of
2 Section 11-605.1 of this Code within 2 years of the date of
3 the previous violation, in which case the suspension shall
4 be for 90 days;

5 42. Has committed a violation of subsection (a-1) of
6 Section 11-1301.3 of this Code; ~~or~~

7 43. Has received a disposition of court supervision for
8 a violation of subsection (a), (d), or (e) of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance, in which case the suspension shall be
11 for a period of 3 months;~~or~~

12 44. ~~43.~~ Is under the age of 21 years at the time of
13 arrest and has been convicted of an offense against traffic
14 regulations governing the movement of vehicles after
15 having previously had his or her driving privileges ~~been~~
16 suspended or revoked pursuant to subparagraph 36 of this
17 Section; ~~or~~

18 45. ~~43.~~ Has, in connection with or during the course of
19 a formal hearing conducted under Section 2-118 of this
20 Code: (i) committed perjury; (ii) submitted fraudulent or
21 falsified documents; (iii) submitted documents that have
22 been materially altered; or (iv) submitted, as his or her
23 own, documents that were in fact prepared or composed for
24 another person.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
26 and 27 of this subsection, license means any driver's license,

1 any traffic ticket issued when the person's driver's license is
2 deposited in lieu of bail, a suspension notice issued by the
3 Secretary of State, a duplicate or corrected driver's license,
4 a probationary driver's license or a temporary driver's
5 license.

6 (b) If any conviction forming the basis of a suspension or
7 revocation authorized under this Section is appealed, the
8 Secretary of State may rescind or withhold the entry of the
9 order of suspension or revocation, as the case may be, provided
10 that a certified copy of a stay order of a court is filed with
11 the Secretary of State. If the conviction is affirmed on
12 appeal, the date of the conviction shall relate back to the
13 time the original judgment of conviction was entered and the 6
14 month limitation prescribed shall not apply.

15 (c) 1. Upon suspending or revoking the driver's license or
16 permit of any person as authorized in this Section, the
17 Secretary of State shall immediately notify the person in
18 writing of the revocation or suspension. The notice to be
19 deposited in the United States mail, postage prepaid, to
20 the last known address of the person.

21 2. If the Secretary of State suspends the driver's
22 license of a person under subsection 2 of paragraph (a) of
23 this Section, a person's privilege to operate a vehicle as
24 an occupation shall not be suspended, provided an affidavit
25 is properly completed, the appropriate fee received, and a
26 permit issued prior to the effective date of the

1 suspension, unless 5 offenses were committed, at least 2 of
2 which occurred while operating a commercial vehicle in
3 connection with the driver's regular occupation. All other
4 driving privileges shall be suspended by the Secretary of
5 State. Any driver prior to operating a vehicle for
6 occupational purposes only must submit the affidavit on
7 forms to be provided by the Secretary of State setting
8 forth the facts of the person's occupation. The affidavit
9 shall also state the number of offenses committed while
10 operating a vehicle in connection with the driver's regular
11 occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as
18 set forth in the notice that was mailed under this Section.
19 If an affidavit is received subsequent to the effective
20 date of this suspension, a permit may be issued for the
21 remainder of the suspension period.

22 The provisions of this subparagraph shall not apply to
23 any driver required to possess a CDL for the purpose of
24 operating a commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section

1 6-302 and upon conviction thereof shall have all driving
2 privileges revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118
4 of this Code, the Secretary of State shall either rescind
5 or continue an order of revocation or shall substitute an
6 order of suspension; or, good cause appearing therefor,
7 rescind, continue, change, or extend the order of
8 suspension. If the Secretary of State does not rescind the
9 order, the Secretary may upon application, to relieve undue
10 hardship (as defined by the rules of the Secretary of
11 State), issue a restricted driving permit granting the
12 privilege of driving a motor vehicle between the
13 petitioner's residence and petitioner's place of
14 employment or within the scope of the petitioner's
15 employment related duties, or to allow transportation for
16 the petitioner, or a household member of the petitioner's
17 family, to receive necessary medical care, provide
18 transportation to and from alcohol or drug remedial or
19 rehabilitative activity recommended by a licensed service
20 provider, or for the petitioner to attend classes, as a
21 student, in an accredited educational institution. The
22 petitioner must demonstrate that no alternative means of
23 transportation is reasonably available and that the
24 petitioner will not endanger the public safety or welfare.
25 Those multiple offenders identified in subdivision (b)4 of
26 Section 6-208 of this Code, however, shall not be eligible

1 for the issuance of a restricted driving permit.

2 (A) If a person's license or permit is revoked or
3 suspended due to 2 or more convictions of violating Section
4 11-501 of this Code or a similar provision of a local
5 ordinance or a similar out-of-state offense, or Section 9-3
6 of the Criminal Code of 1961, where the use of alcohol or
7 other drugs is recited as an element of the offense, or a
8 similar out-of-state offense, or a combination of these
9 offenses, arising out of separate occurrences, that
10 person, if issued a restricted driving permit, may not
11 operate a vehicle unless it has been equipped with an
12 ignition interlock device as defined in Section 1-129.1.

13 (B) If a person's license or permit is revoked or
14 suspended 2 or more times within a 10 year period due to
15 any combination of:

16 (i) a single conviction of violating Section
17 11-501 of this Code or a similar provision of a local
18 ordinance or a similar out-of-state offense or Section
19 9-3 of the Criminal Code of 1961, where the use of
20 alcohol or other drugs is recited as an element of the
21 offense, or a similar out-of-state offense; or

22 (ii) a statutory summary suspension under Section
23 11-501.1; or

24 (iii) a suspension under Section 6-203.1, arising
25 out of separate occurrences, that person, if issued a
26 restricted driving permit, may not operate a vehicle

1 unless it has been equipped with an ignition interlock
2 device as defined in Section 1-129.1.

3 (C) The person must pay to the Secretary of State DUI
4 Administration Fund an amount not to exceed \$20 per month.
5 The Secretary shall establish by rule the amount and the
6 procedures, terms, and conditions relating to these fees.

7 (D) If the restricted driving permit is issued for
8 employment purposes, then the prohibition against
9 operating a motor vehicle that is not equipped with an
10 ignition interlock device does not apply to the operation
11 of an occupational vehicle owned or leased by that person's
12 employer when used solely for employment purposes.

13 (E) In each case the Secretary may issue a restricted
14 driving permit for a period deemed appropriate, except that
15 all permits shall expire within one year from the date of
16 issuance. The Secretary may not, however, issue a
17 restricted driving permit to any person whose current
18 revocation is the result of a second or subsequent
19 conviction for a violation of Section 11-501 of this Code
20 or a similar provision of a local ordinance or any similar
21 out-of-state offense, or Section 9-3 of the Criminal Code
22 of 1961, where the use of alcohol or other drugs is recited
23 as an element of the offense, or any similar out-of-state
24 offense, or any combination of those offenses, until the
25 expiration of at least one year from the date of the
26 revocation. A restricted driving permit issued under this

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

15 (c-3) In the case of a suspension under paragraph 44 ~~43~~ of
16 subsection (a), reports received by the Secretary of State
17 under this Section shall, except during the actual time the
18 suspension is in effect, be privileged information and for use
19 only by the courts, police officers, prosecuting authorities,
20 the driver licensing administrator of any other state, or the
21 Secretary of State, or the parent or legal guardian of a driver
22 under the age of 18. However, beginning January 1, 2008, if the
23 person is a CDL holder, the suspension shall also be made
24 available to the driver licensing administrator of any other
25 state, the U.S. Department of Transportation, and the affected
26 driver or motor carrier or prospective motor carrier upon

1 request.

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

7 (c-5) The Secretary of State may, as a condition of the
8 reissuance of a driver's license or permit to an applicant
9 whose driver's license or permit has been suspended before he
10 or she reached the age of 21 ~~18~~ years pursuant to any of the
11 provisions of this Section, require the applicant to
12 participate in a driver remedial education course and be
13 retested under Section 6-109 of this Code.

14 (d) This Section is subject to the provisions of the
15 Drivers License Compact.

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

20 (f) In accordance with 49 C.F.R. 384, the Secretary of
21 State may not issue a restricted driving permit for the
22 operation of a commercial motor vehicle to a person holding a
23 CDL whose driving privileges have been suspended, revoked,
24 cancelled, or disqualified under any provisions of this Code.

25 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
26 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;

1 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;
2 revised 11-16-07.)

3 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

4 Sec. 6-514. Commercial Driver's License (CDL) -
5 Disqualifications.

6 (a) A person shall be disqualified from driving a
7 commercial motor vehicle for a period of not less than 12
8 months for the first violation of:

9 (1) Refusing to submit to or failure to complete a test
10 or tests to determine the driver's blood concentration of
11 alcohol, other drug, or both, while driving a commercial
12 motor vehicle or, if the driver is a CDL holder, while
13 driving a non-CMV; or

14 (2) Operating a commercial motor vehicle while the
15 alcohol concentration of the person's blood, breath or
16 urine is at least 0.04, or any amount of a drug, substance,
17 or compound in the person's blood or urine resulting from
18 the unlawful use or consumption of cannabis listed in the
19 Cannabis Control Act, a controlled substance listed in the
20 Illinois Controlled Substances Act, or methamphetamine as
21 listed in the Methamphetamine Control and Community
22 Protection Act as indicated by a police officer's sworn
23 report or other verified evidence; or operating a
24 non-commercial motor vehicle while the alcohol
25 concentration of the person's blood, breath, or urine was

1 above the legal limit defined in Section 11-501.1 or
2 11-501.8 or any amount of a drug, substance, or compound in
3 the person's blood or urine resulting from the unlawful use
4 or consumption of cannabis listed in the Cannabis Control
5 Act, a controlled substance listed in the Illinois
6 Controlled Substances Act, or methamphetamine as listed in
7 the Methamphetamine Control and Community Protection Act
8 as indicated by a police officer's sworn report or other
9 verified evidence while holding a commercial driver's
10 license; or

11 (3) Conviction for a first violation of:

12 (i) Driving a commercial motor vehicle or, if the
13 driver is a CDL holder, driving a non-CMV while under
14 the influence of alcohol, or any other drug, or
15 combination of drugs to a degree which renders such
16 person incapable of safely driving; or

17 (ii) Knowingly and wilfully leaving the scene of an
18 accident while operating a commercial motor vehicle
19 or, if the driver is a CDL holder, while driving a
20 non-CMV; or

21 (iii) Driving a commercial motor vehicle or, if the
22 driver is a CDL holder, driving a non-CMV while
23 committing any felony; or

24 (iv) Driving a commercial motor vehicle while the
25 person's driving privileges or driver's license or
26 permit is revoked, suspended, or cancelled or the

1 driver is disqualified from operating a commercial
2 motor vehicle; or

3 (v) Causing a fatality through the negligent
4 operation of a commercial motor vehicle, including but
5 not limited to the crimes of motor vehicle
6 manslaughter, homicide by a motor vehicle, and
7 negligent homicide.

8 As used in this subdivision (a)(3)(v), "motor
9 vehicle manslaughter" means the offense of involuntary
10 manslaughter if committed by means of a vehicle;
11 "homicide by a motor vehicle" means the offense of
12 first degree murder or second degree murder, if either
13 offense is committed by means of a vehicle; and
14 "negligent homicide" means reckless homicide under
15 Section 9-3 of the Criminal Code of 1961 and aggravated
16 driving under the influence of alcohol, other drug or
17 drugs, intoxicating compound or compounds, or any
18 combination thereof under subdivision (d)(1)(F) of
19 Section 11-501 of this Code.

20 If any of the above violations or refusals occurred
21 while transporting hazardous material(s) required to be
22 placarded, the person shall be disqualified for a period of
23 not less than 3 years.

24 (b) A person is disqualified for life for a second
25 conviction of any of the offenses specified in paragraph (a),
26 or any combination of those offenses, arising from 2 or more

1 separate incidents.

2 (c) A person is disqualified from driving a commercial
3 motor vehicle for life if the person either (i) uses a
4 commercial motor vehicle in the commission of any felony
5 involving the manufacture, distribution, or dispensing of a
6 controlled substance, or possession with intent to
7 manufacture, distribute or dispense a controlled substance or
8 (ii) if the person is a CDL holder, uses a non-CMV in the
9 commission of a felony involving any of those activities.

10 (d) The Secretary of State may, when the United States
11 Secretary of Transportation so authorizes, issue regulations
12 in which a disqualification for life under paragraph (b) may be
13 reduced to a period of not less than 10 years. If a reinstated
14 driver is subsequently convicted of another disqualifying
15 offense, as specified in subsection (a) of this Section, he or
16 she shall be permanently disqualified for life and shall be
17 ineligible to again apply for a reduction of the lifetime
18 disqualification.

19 (e) A person is disqualified from driving a commercial
20 motor vehicle for a period of not less than 2 months if
21 convicted of 2 serious traffic violations, committed in a
22 commercial motor vehicle, arising from separate incidents,
23 occurring within a 3 year period. However, a person will be
24 disqualified from driving a commercial motor vehicle for a
25 period of not less than 4 months if convicted of 3 serious
26 traffic violations, committed in a commercial motor vehicle,

1 arising from separate incidents, occurring within a 3 year
2 period.

3 (e-1) A person is disqualified from driving a commercial
4 motor vehicle for a period of not less than 2 months if
5 convicted of 2 serious traffic violations committed in a
6 non-CMV while holding a CDL, arising from separate incidents,
7 occurring within a 3 year period, if the convictions would
8 result in the suspension or revocation of the CDL holder's
9 non-CMV privileges. A person shall be disqualified from driving
10 a commercial motor vehicle for a period of not less than 4
11 months, however, if he or she is convicted of 3 or more serious
12 traffic violations committed in a non-CMV while holding a CDL,
13 arising from separate incidents, occurring within a 3 year
14 period, if the convictions would result in the suspension or
15 revocation of the CDL holder's non-CMV privileges.

16 (f) Notwithstanding any other provision of this Code, any
17 driver disqualified from operating a commercial motor vehicle,
18 pursuant to this UCDLA, shall not be eligible for restoration
19 of commercial driving privileges during any such period of
20 disqualification.

21 (g) After suspending, revoking, or cancelling a commercial
22 driver's license, the Secretary of State must update the
23 driver's records to reflect such action within 10 days. After
24 suspending or revoking the driving privilege of any person who
25 has been issued a CDL or commercial driver instruction permit
26 from another jurisdiction, the Secretary shall originate

1 notification to such issuing jurisdiction within 10 days.

2 (h) The "disqualifications" referred to in this Section
3 shall not be imposed upon any commercial motor vehicle driver,
4 by the Secretary of State, unless the prohibited action(s)
5 occurred after March 31, 1992.

6 (i) A person is disqualified from driving a commercial
7 motor vehicle in accordance with the following:

8 (1) For 6 months upon a first conviction of paragraph
9 (2) of subsection (b) or subsection (b-3) of Section 6-507
10 of this Code.

11 (2) For one year upon a second conviction of paragraph
12 (2) of subsection (b) or subsection (b-3) or any
13 combination of paragraphs (2) or (3) of subsection (b) or
14 subsections (b-3) or (b-5) of Section 6-507 of this Code
15 within a 10-year period, providing the second conviction is
16 a violation of subdivision (b) (2) or subsection (b-3) of
17 Section 6-507.

18 (3) For 3 years upon a third or subsequent conviction
19 of paragraph (2) of subsection (b) or subsection (b-3) or
20 any combination of paragraphs (2) or (3) of subsection (b)
21 or subsections (b-3) or (b-5) of Section 6-507 of this Code
22 within a 10-year period, providing the third conviction is
23 a violation of subdivision (b) (2) or subsection (b-3) of
24 Section 6-507.

25 (4) For one year upon a first conviction of paragraph
26 (3) of subsection (b) or subsection (b-5) of Section 6-507

1 of this Code.

2 (5) For 3 years upon a second conviction of paragraph
3 (3) of subsection (b) or subsection (b-5) or any
4 combination of paragraphs (2) or (3) of subsection (b) or
5 subsections (b-3) or (b-5) of Section 6-507 of this Code
6 within a 10-year period, providing the second conviction is
7 a violation of subdivision (b) (3) or subsection (b-5) of
8 Section 6-507.

9 (6) For 5 years upon a third or subsequent conviction
10 of paragraph (3) of subsection (b) or subsection (b-5) or
11 any combination of paragraphs (2) or (3) of subsection (b)
12 or subsections (b-3) or (b-5) of Section 6-507 of this Code
13 within a 10-year period, providing the third conviction is
14 a violation of subdivision (b) (3) or subsection (b-5) of
15 Section 6-507.

16 (j) Disqualification for railroad-highway grade crossing
17 violation.

18 (1) General rule. A driver who is convicted of a
19 violation of a federal, State, or local law or regulation
20 pertaining to one of the following 6 offenses at a
21 railroad-highway grade crossing must be disqualified from
22 operating a commercial motor vehicle for the period of time
23 specified in paragraph (2) of this subsection (j) if the
24 offense was committed while operating a commercial motor
25 vehicle:

26 (i) For drivers who are not required to always

1 stop, failing to slow down and check that the tracks
2 are clear of an approaching train, as described in
3 subsection (a-5) of Section 11-1201 of this Code;

4 (ii) For drivers who are not required to always
5 stop, failing to stop before reaching the crossing, if
6 the tracks are not clear, as described in subsection
7 (a) of Section 11-1201 of this Code;

8 (iii) For drivers who are always required to stop,
9 failing to stop before driving onto the crossing, as
10 described in Section 11-1202 of this Code;

11 (iv) For all drivers, failing to have sufficient
12 space to drive completely through the crossing without
13 stopping, as described in subsection (b) of Section
14 11-1425 of this Code;

15 (v) For all drivers, failing to obey a traffic
16 control device or the directions of an enforcement
17 official at the crossing, as described in subdivision
18 (a)2 of Section 11-1201 of this Code;

19 (vi) For all drivers, failing to negotiate a
20 crossing because of insufficient undercarriage
21 clearance, as described in subsection (d-1) of Section
22 11-1201 of this Code.

23 (2) Duration of disqualification for railroad-highway
24 grade crossing violation.

25 (i) First violation. A driver must be disqualified
26 from operating a commercial motor vehicle for not less

1 than 60 days if the driver is convicted of a violation
2 described in paragraph (1) of this subsection (j) and,
3 in the three-year period preceding the conviction, the
4 driver had no convictions for a violation described in
5 paragraph (1) of this subsection (j).

6 (ii) Second violation. A driver must be
7 disqualified from operating a commercial motor vehicle
8 for not less than 120 days if the driver is convicted
9 of a violation described in paragraph (1) of this
10 subsection (j) and, in the three-year period preceding
11 the conviction, the driver had one other conviction for
12 a violation described in paragraph (1) of this
13 subsection (j) that was committed in a separate
14 incident.

15 (iii) Third or subsequent violation. A driver must
16 be disqualified from operating a commercial motor
17 vehicle for not less than one year if the driver is
18 convicted of a violation described in paragraph (1) of
19 this subsection (j) and, in the three-year period
20 preceding the conviction, the driver had 2 or more
21 other convictions for violations described in
22 paragraph (1) of this subsection (j) that were
23 committed in separate incidents.

24 (k) Upon notification of a disqualification of a driver's
25 commercial motor vehicle privileges imposed by the U.S.
26 Department of Transportation, Federal Motor Carrier Safety

1 Administration, in accordance with 49 C.F.R. 383.52, the
2 Secretary of State shall immediately record to the driving
3 record the notice of disqualification and confirm to the driver
4 the action that has been taken.

5 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
6 95-382, eff. 8-23-07.)

7 Section 20. The Child Passenger Protection Act is amended
8 by changing Section 4b as follows:

9 (625 ILCS 25/4b)

10 Sec. 4b. Children 8 years of age or older but under the age
11 of 19; seat belts. Every person under the age of 18 years, when
12 transporting a child 8 years of age or older but under the age
13 of 19 years, as provided in Section 4 of this Act, shall be
14 responsible for securing that child in a properly adjusted and
15 fastened seat safety belt or an appropriate child restraint
16 system. This Section shall also apply to each driver over the
17 age of 18 years who committed an offense against traffic
18 regulations governing the movement of vehicles or any violation
19 of Section 6-107 or Section 12-603.1 of this Code in the ~~within~~
20 6 months prior to ~~of~~ the driver's 18th birthday and was
21 subsequently convicted of the violation, until such time as a
22 period of 6 consecutive months has elapsed without an
23 additional violation and subsequent conviction of an offense
24 against traffic regulations governing the movement of vehicles

1 or any violation of Section 6-107 or Section 12-603.1 of this
2 Code.

3 (Source: P.A. 94-241, eff. 1-1-06; 95-310, eff. 1-1-08.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect, the use of that text
7 does not accelerate or delay the taking effect of (i) the
8 changes made by this Act or (ii) provisions derived from any
9 other Public Act.

10 Section 99. Effective date. This Act takes effect June 1,
11 2008.

1 INDEX
2 Statutes amended in order of appearance

3	15 ILCS 335/4	from Ch. 124, par. 24
4	105 ILCS 5/27-23	from Ch. 122, par. 27-23
5	105 ILCS 5/27-24.4	from Ch. 122, par. 27-24.4
6	625 ILCS 5/1-111.1a	from Ch. 95 1/2, par. 1-171.01
7	625 ILCS 5/1-197.5	from Ch. 95 1/2, par. 1-203.1
8	625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
9	625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
10	625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110
11	625 ILCS 5/6-110.1	
12	625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
13	625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
14	625 ILCS 5/6-514	from Ch. 95 1/2, par. 6-514
15	625 ILCS 25/4b	