

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-206.1 and 6-208.1 as follows:

6 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

7 Sec. 6-206.1. Monitoring Device Driving Permit.  
8 Declaration of Policy. It is hereby declared a policy of the  
9 State of Illinois that the driver who is impaired by alcohol,  
10 other drug or drugs, or intoxicating compound or compounds is a  
11 threat to the public safety and welfare. Therefore, to provide  
12 a deterrent to such practice, a statutory summary driver's  
13 license suspension is appropriate. It is also recognized that  
14 driving is a privilege and therefore, that the granting of  
15 driving privileges, in a manner consistent with public safety,  
16 is warranted during the period of suspension in the form of a  
17 monitoring device driving permit. A person who drives and fails  
18 to comply with the requirements of the monitoring device  
19 driving permit commits a violation of Section 6-303 of this  
20 Code.

21 The following procedures shall apply whenever a first  
22 offender, as defined in Section 11-500 of this Code, is  
23 arrested for any offense as defined in Section 11-501 or a

1 similar provision of a local ordinance and is subject to the  
2 provisions of Section 11-501.1:

3 (a) Upon mailing of the notice of suspension of driving  
4 privileges as provided in subsection (h) of Section 11-501.1 of  
5 this Code, the Secretary shall also send written notice  
6 informing the person that he or she will be issued a monitoring  
7 device driving permit (MDDP). The notice shall include, at  
8 minimum, information summarizing the procedure to be followed  
9 for issuance of the MDDP, installation of the breath alcohol  
10 ignition installation device (BAIID), as provided in this  
11 Section, exemption from BAIID installation requirements, and  
12 procedures to be followed by those seeking indigent status, as  
13 provided in this Section. The notice shall also include  
14 information summarizing the procedure to be followed if the  
15 person wishes to decline issuance of the MDDP. A copy of the  
16 notice shall also be sent to the court of venue together with  
17 the notice of suspension of driving privileges, as provided in  
18 subsection (h) of Section 11-501. However, a MDDP shall not be  
19 issued if the Secretary finds that:

20 (1) The offender's driver's license is otherwise  
21 invalid;

22 (2) Death or great bodily harm to another resulted from  
23 the arrest for Section 11-501;

24 (3) The offender has been previously convicted of  
25 reckless homicide or aggravated driving under the  
26 influence involving death;

1 (4) The offender is less than 18 years of age; or

2 (5) The offender is a qualifying patient licensed under  
3 the Compassionate Use of Medical Cannabis Pilot Program Act  
4 who is in possession of a valid registry card issued under  
5 that Act and refused to submit to standardized field  
6 sobriety tests as required by subsection (a-5) of Section  
7 11-501.1 or did submit to testing and failed the test or  
8 tests.

9 Any offender participating in the MDDP program must pay the  
10 Secretary a MDDP Administration Fee in an amount not to exceed  
11 \$30 per month, to be deposited into the Monitoring Device  
12 Driving Permit Administration Fee Fund. The Secretary shall  
13 establish by rule the amount and the procedures, terms, and  
14 conditions relating to these fees. The offender must have an  
15 ignition interlock device installed within 14 days of the date  
16 the Secretary issues the MDDP. The ignition interlock device  
17 provider must notify the Secretary, in a manner and form  
18 prescribed by the Secretary, of the installation. If the  
19 Secretary does not receive notice of installation, the  
20 Secretary shall cancel the MDDP.

21 A MDDP shall not become effective prior to the 31st day of  
22 the original statutory summary suspension.

23 Upon receipt of the notice, as provided in paragraph (a) of  
24 this Section, the person may file a petition to decline  
25 issuance of the MDDP with the court of venue. The court shall  
26 admonish the offender of all consequences of declining issuance

1 of the MDDP including, but not limited to, the enhanced  
2 penalties for driving while suspended. After being so  
3 admonished, the offender shall be permitted, in writing, to  
4 execute a notice declining issuance of the MDDP. This notice  
5 shall be filed with the court and forwarded by the clerk of the  
6 court to the Secretary. The offender may, at any time  
7 thereafter, apply to the Secretary for issuance of a MDDP.

8 (a-1) A person issued a MDDP may drive for any purpose and  
9 at any time, subject to the rules adopted by the Secretary  
10 under subsection (g). The person must, at his or her own  
11 expense, drive only vehicles equipped with an ignition  
12 interlock device as defined in Section 1-129.1, but in no event  
13 shall such person drive a commercial motor vehicle.

14 (a-2) Persons who are issued a MDDP and must drive  
15 employer-owned vehicles in the course of their employment  
16 duties may seek permission to drive an employer-owned vehicle  
17 that does not have an ignition interlock device. The employer  
18 shall provide to the Secretary a form, as prescribed by the  
19 Secretary, completed by the employer verifying that the  
20 employee must drive an employer-owned vehicle in the course of  
21 employment. If approved by the Secretary, the form must be in  
22 the driver's possession while operating an employer-owner  
23 vehicle not equipped with an ignition interlock device. No  
24 person may use this exemption to drive a school bus, school  
25 vehicle, or a vehicle designed to transport more than 15  
26 passengers. No person may use this exemption to drive an

1 employer-owned motor vehicle that is owned by an entity that is  
2 wholly or partially owned by the person holding the MDDP, or by  
3 a family member of the person holding the MDDP. No person may  
4 use this exemption to drive an employer-owned vehicle that is  
5 made available to the employee for personal use. No person may  
6 drive the exempted vehicle more than 12 hours per day, 6 days  
7 per week.

8 (a-3) Persons who are issued a MDDP and who must drive a  
9 farm tractor to and from a farm, within 50 air miles from the  
10 originating farm are exempt from installation of a BAIID on the  
11 farm tractor, so long as the farm tractor is being used for the  
12 exclusive purpose of conducting farm operations.

13 (b) (Blank).

14 (c) (Blank).

15 (c-1) If the holder of the MDDP is convicted of or receives  
16 court supervision for a violation of Section 6-206.2, 6-303,  
17 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
18 provision of a local ordinance or a similar out-of-state  
19 offense or is convicted of or receives court supervision for  
20 any offense for which alcohol or drugs is an element of the  
21 offense and in which a motor vehicle was involved (for an  
22 arrest other than the one for which the MDDP is issued), or  
23 de-installs the BAIID without prior authorization from the  
24 Secretary, the MDDP shall be cancelled.

25 (c-5) If the Secretary determines that the person seeking  
26 the MDDP is indigent, the Secretary shall provide the person

1 with a written document as evidence of that determination, and  
2 the person shall provide that written document to an ignition  
3 interlock device provider. The provider shall install an  
4 ignition interlock device on that person's vehicle without  
5 charge to the person, and seek reimbursement from the Indigent  
6 BAIID Fund. If the Secretary has deemed an offender indigent,  
7 the BAIID provider shall also provide the normal monthly  
8 monitoring services and the de-installation without charge to  
9 the offender and seek reimbursement from the Indigent BAIID  
10 Fund. Any other monetary charges, such as a lockout fee or  
11 reset fee, shall be the responsibility of the MDDP holder. A  
12 BAIID provider may not seek a security deposit from the  
13 Indigent BAIID Fund.

14 (d) MDDP information shall be available only to the courts,  
15 police officers, and the Secretary, except during the actual  
16 period the MDDP is valid, during which time it shall be a  
17 public record.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Secretary shall adopt rules for implementing this  
21 Section. The rules adopted shall address issues including, but  
22 not limited to: compliance with the requirements of the MDDP;  
23 methods for determining compliance with those requirements;  
24 the consequences of noncompliance with those requirements;  
25 what constitutes a violation of the MDDP; methods for  
26 determining indigency; and the duties of a person or entity

1 that supplies the ignition interlock device.

2 (h) The rules adopted under subsection (g) shall provide,  
3 at a minimum, that the person is not in compliance with the  
4 requirements of the MDDP if he or she:

5 (1) tampers or attempts to tamper with or circumvent  
6 the proper operation of the ignition interlock device;

7 (2) provides valid breath samples that register blood  
8 alcohol levels in excess of the number of times allowed  
9 under the rules;

10 (3) fails to provide evidence sufficient to satisfy the  
11 Secretary that the ignition interlock device has been  
12 installed in the designated vehicle or vehicles; or

13 (4) fails to follow any other applicable rules adopted  
14 by the Secretary.

15 (i) Any person or entity that supplies an ignition  
16 interlock device as provided under this Section shall, in  
17 addition to supplying only those devices which fully comply  
18 with all the rules adopted under subsection (g), provide the  
19 Secretary, within 7 days of inspection, all monitoring reports  
20 of each person who has had an ignition interlock device  
21 installed. These reports shall be furnished in a manner or form  
22 as prescribed by the Secretary.

23 (j) Upon making a determination that a violation of the  
24 requirements of the MDDP has occurred, the Secretary shall  
25 extend the summary suspension period for an additional 3 months  
26 beyond the originally imposed summary suspension period,

1 during which time the person shall only be allowed to drive  
2 vehicles equipped with an ignition interlock device; provided  
3 further there are no limitations on the total number of times  
4 the summary suspension may be extended. The Secretary may,  
5 however, limit the number of extensions imposed for violations  
6 occurring during any one monitoring period, as set forth by  
7 rule. Any person whose summary suspension is extended pursuant  
8 to this Section shall have the right to contest the extension  
9 through a hearing with the Secretary, pursuant to Section 2-118  
10 of this Code. If the summary suspension has already terminated  
11 prior to the Secretary receiving the monitoring report that  
12 shows a violation, the Secretary shall be authorized to suspend  
13 the person's driving privileges for 3 months, provided that the  
14 Secretary may, by rule, limit the number of suspensions to be  
15 entered pursuant to this paragraph for violations occurring  
16 during any one monitoring period. Any person whose license is  
17 suspended pursuant to this paragraph, after the summary  
18 suspension had already terminated, shall have the right to  
19 contest the suspension through a hearing with the Secretary,  
20 pursuant to Section 2-118 of this Code. The only permit the  
21 person shall be eligible for during this new suspension period  
22 is a MDDP.

23 (k) A person who has had his or her summary suspension  
24 extended for the third time, or has any combination of 3  
25 extensions and new suspensions, entered as a result of a  
26 violation that occurred while holding the MDDP, so long as the



1 extensions and new suspensions relate to the same summary  
2 suspension, shall have his or her vehicle impounded for a  
3 period of 30 days, at the person's own expense. A person who  
4 has his or her summary suspension extended for the fourth time,  
5 or has any combination of 4 extensions and new suspensions,  
6 entered as a result of a violation that occurred while holding  
7 the MDDP, so long as the extensions and new suspensions relate  
8 to the same summary suspension, shall have his or her vehicle  
9 subject to seizure and forfeiture. The Secretary shall notify  
10 the prosecuting authority of any third or fourth extensions or  
11 new suspension entered as a result of a violation that occurred  
12 while the person held a MDDP. Upon receipt of the notification,  
13 the prosecuting authority shall impound or forfeit the vehicle.  
14 The impoundment or forfeiture of a vehicle shall be conducted  
15 pursuant to the procedure specified in Article 36 of the  
16 Criminal Code of 2012.

17 (1) A person whose driving privileges have been suspended  
18 under Section 11-501.1 of this Code and who had a MDDP that was  
19 cancelled, or would have been cancelled had notification of a  
20 violation been received prior to expiration of the MDDP,  
21 pursuant to subsection (c-1) of this Section, shall not be  
22 eligible for reinstatement when the summary suspension is  
23 scheduled to terminate. Instead, the person's driving  
24 privileges shall be suspended for a period of not less than  
25 twice the original summary suspension period, or for the length  
26 of any extensions entered under subsection (j), whichever is

1 longer. During the period of suspension, the person shall be  
2 eligible only to apply for a restricted driving permit. If a  
3 restricted driving permit is granted, the offender may only  
4 operate vehicles equipped with a BAIID in accordance with this  
5 Section.

6 (m) Any person or entity that supplies an ignition  
7 interlock device under this Section shall, for each ignition  
8 interlock device installed, pay 5% of the total gross revenue  
9 received for the device, including monthly monitoring fees,  
10 into the Indigent BAIID Fund. This 5% shall be clearly  
11 indicated as a separate surcharge on each invoice that is  
12 issued. The Secretary shall conduct an annual review of the  
13 fund to determine whether the surcharge is sufficient to  
14 provide for indigent users. The Secretary may increase or  
15 decrease this surcharge requirement as needed.

16 (n) Any person or entity that supplies an ignition  
17 interlock device under this Section that is requested to  
18 provide an ignition interlock device to a person who presents  
19 written documentation of indigency from the Secretary, as  
20 provided in subsection (c-5) of this Section, shall install the  
21 device on the person's vehicle without charge to the person and  
22 shall seek reimbursement from the Indigent BAIID Fund.

23 (o) The Indigent BAIID Fund is created as a special fund in  
24 the State treasury. The Secretary shall, subject to  
25 appropriation by the General Assembly, use all money in the  
26 Indigent BAIID Fund to reimburse ignition interlock device

1 providers who have installed devices in vehicles of indigent  
2 persons. The Secretary shall make payments to such providers  
3 every 3 months. If the amount of money in the fund at the time  
4 payments are made is not sufficient to pay all requests for  
5 reimbursement submitted during that 3 month period, the  
6 Secretary shall make payments on a pro-rata basis, and those  
7 payments shall be considered payment in full for the requests  
8 submitted.

9 (p) The Monitoring Device Driving Permit Administration  
10 Fee Fund is created as a special fund in the State treasury.  
11 The Secretary shall, subject to appropriation by the General  
12 Assembly, use the money paid into this fund to offset its  
13 administrative costs for administering MDDPs.

14 (q) The Secretary is authorized to prescribe such forms as  
15 it deems necessary to carry out the provisions of this Section.  
16 (Source: P.A. 97-229; 97-813, eff. 7-13-12; 97-1150, eff.  
17 1-25-13; 98-122, eff. 1-1-14.)

18 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

19 (Text of Section from P.A. 96-1526 and 98-122)

20 Sec. 6-208.1. Period of statutory summary alcohol, other  
21 drug, or intoxicating compound related suspension or  
22 revocation.

23 (a) Unless the statutory summary suspension has been  
24 rescinded, any person whose privilege to drive a motor vehicle  
25 on the public highways has been summarily suspended, pursuant

1 to Section 11-501.1, shall not be eligible for restoration of  
2 the privilege until the expiration of:

3 1. Twelve months from the effective date of the  
4 statutory summary suspension for a refusal or failure to  
5 complete a test or tests authorized under Section 11-501.1,  
6 if the person was not involved in a motor vehicle accident  
7 that caused personal injury or death to another; or

8 2. Six months from the effective date of the statutory  
9 summary suspension imposed following the person's  
10 submission to a chemical test which disclosed an alcohol  
11 concentration of 0.08 or more, or any amount of a drug,  
12 substance, or intoxicating compound in such person's  
13 breath, blood, or urine resulting from the unlawful use or  
14 consumption of cannabis listed in the Cannabis Control Act,  
15 a controlled substance listed in the Illinois Controlled  
16 Substances Act, an intoxicating compound listed in the Use  
17 of Intoxicating Compounds Act, or methamphetamine as  
18 listed in the Methamphetamine Control and Community  
19 Protection Act, pursuant to Section 11-501.1; or

20 3. Three years from the effective date of the statutory  
21 summary suspension for any person other than a first  
22 offender who refuses or fails to complete a test or tests  
23 to determine the alcohol, drug, or intoxicating compound  
24 concentration pursuant to Section 11-501.1; or

25 4. One year from the effective date of the summary  
26 suspension imposed for any person other than a first

1 offender following submission to a chemical test which  
2 disclosed an alcohol concentration of 0.08 or more pursuant  
3 to Section 11-501.1 or any amount of a drug, substance or  
4 compound in such person's blood or urine resulting from the  
5 unlawful use or consumption of cannabis listed in the  
6 Cannabis Control Act, a controlled substance listed in the  
7 Illinois Controlled Substances Act, an intoxicating  
8 compound listed in the Use of Intoxicating Compounds Act,  
9 or methamphetamine as listed in the Methamphetamine  
10 Control and Community Protection Act; or

11 5. Six months from the effective date of the statutory  
12 summary suspension imposed for any person following  
13 submission to a standardized field sobriety test that  
14 disclosed impairment if the person is a qualifying patient  
15 licensed under the Compassionate Use of Medical Cannabis  
16 Pilot Program Act who is in possession of a valid registry  
17 card issued under that Act and submitted to testing under  
18 subsection (a-5) of Section 11-501.1.

19 (b) Following a statutory summary suspension of the  
20 privilege to drive a motor vehicle under Section 11-501.1,  
21 driving privileges shall be restored unless the person is  
22 otherwise suspended, revoked, or cancelled by this Code. If the  
23 court has reason to believe that the person's driving privilege  
24 should not be restored, the court shall notify the Secretary of  
25 State prior to the expiration of the statutory summary  
26 suspension so appropriate action may be taken pursuant to this

1 Code.

2 (c) Driving privileges may not be restored until all  
3 applicable reinstatement fees, as provided by this Code, have  
4 been paid to the Secretary of State and the appropriate entry  
5 made to the driver's record.

6 (d) Where a driving privilege has been summarily suspended  
7 or revoked under Section 11-501.1 and the person is  
8 subsequently convicted of violating Section 11-501, or a  
9 similar provision of a local ordinance, for the same incident,  
10 any period served on statutory summary suspension or revocation  
11 shall be credited toward the minimum period of revocation of  
12 driving privileges imposed pursuant to Section 6-205.

13 (e) A first offender who refused chemical testing and whose  
14 driving privileges were summarily revoked pursuant to Section  
15 11-501.1 shall not be eligible for a monitoring device driving  
16 permit, but may make application for reinstatement or for a  
17 restricted driving permit after a period of one year has  
18 elapsed from the effective date of the revocation (Blank).

19 (f) (Blank).

20 (g) Following a statutory summary suspension of driving  
21 privileges pursuant to Section 11-501.1 where the person was  
22 not a first offender, as defined in Section 11-500, the  
23 Secretary of State may not issue a restricted driving permit.

24 (h) (Blank).

25 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,  
26 eff. 8-21-08; 96-1526, eff. 2-14-11; 98-122, eff. 1-1-14.)

1 (Text of Section from P.A. 96-1344, 97-229, and 98-122)

2 Sec. 6-208.1. Period of statutory summary alcohol, other  
3 drug, or intoxicating compound related suspension or  
4 revocation.

5 (a) Unless the statutory summary suspension has been  
6 rescinded, any person whose privilege to drive a motor vehicle  
7 on the public highways has been summarily suspended, pursuant  
8 to Section 11-501.1, shall not be eligible for restoration of  
9 the privilege until the expiration of:

10 1. Twelve months from the effective date of the  
11 statutory summary suspension for a refusal or failure to  
12 complete a test or tests authorized under Section 11-501.1,  
13 if the person was not involved in a motor vehicle accident  
14 ~~crash~~ that caused personal injury or death to another; or

15 2. Six months from the effective date of the statutory  
16 summary suspension imposed following the person's  
17 submission to a chemical test which disclosed an alcohol  
18 concentration of 0.08 or more, or any amount of a drug,  
19 substance, or intoxicating compound in such person's  
20 breath, blood, or urine resulting from the unlawful use or  
21 consumption of cannabis listed in the Cannabis Control Act,  
22 a controlled substance listed in the Illinois Controlled  
23 Substances Act, an intoxicating compound listed in the Use  
24 of Intoxicating Compounds Act, or methamphetamine as  
25 listed in the Methamphetamine Control and Community

1 Protection Act, pursuant to Section 11-501.1; or

2 3. Three years from the effective date of the statutory  
3 summary suspension for any person other than a first  
4 offender who refuses or fails to complete a test or tests  
5 to determine the alcohol, drug, or intoxicating compound  
6 concentration pursuant to Section 11-501.1; or

7 4. One year from the effective date of the summary  
8 suspension imposed for any person other than a first  
9 offender following submission to a chemical test which  
10 disclosed an alcohol concentration of 0.08 or more pursuant  
11 to Section 11-501.1 or any amount of a drug, substance or  
12 compound in such person's blood or urine resulting from the  
13 unlawful use or consumption of cannabis listed in the  
14 Cannabis Control Act, a controlled substance listed in the  
15 Illinois Controlled Substances Act, an intoxicating  
16 compound listed in the Use of Intoxicating Compounds Act,  
17 or methamphetamine as listed in the Methamphetamine  
18 Control and Community Protection Act; or

19 5. Six months from the effective date of the statutory  
20 summary suspension imposed for any person following  
21 submission to a standardized field sobriety test that  
22 disclosed impairment if the person is a qualifying patient  
23 licensed under the Compassionate Use of Medical Cannabis  
24 Pilot Program Act who is in possession of a valid registry  
25 card issued under that Act and submitted to testing under  
26 subsection (a-5) of Section 11-501.1.



1       ~~(a-1) Unless the statutory summary revocation has been~~  
2       ~~rescinded, any person whose privilege to drive has been~~  
3       ~~summarily revoked pursuant to Section 11-501.1 may not make~~  
4       ~~application for a license or permit until the expiration of one~~  
5       ~~year from the effective date of the summary revocation.~~

6       (b) Following a statutory summary suspension of the  
7       privilege to drive a motor vehicle under Section 11-501.1,  
8       driving privileges shall be restored unless the person is  
9       otherwise suspended, revoked, or cancelled by this Code. If the  
10      court has reason to believe that the person's driving privilege  
11      should not be restored, the court shall notify the Secretary of  
12      State prior to the expiration of the statutory summary  
13      suspension so appropriate action may be taken pursuant to this  
14      Code.

15      (c) Driving privileges may not be restored until all  
16      applicable reinstatement fees, as provided by this Code, have  
17      been paid to the Secretary of State and the appropriate entry  
18      made to the driver's record.

19      (d) Where a driving privilege has been summarily suspended  
20      or revoked under Section 11-501.1 and the person is  
21      subsequently convicted of violating Section 11-501, or a  
22      similar provision of a local ordinance, for the same incident,  
23      any period served on statutory summary suspension or revocation  
24      shall be credited toward the minimum period of revocation of  
25      driving privileges imposed pursuant to Section 6-205.

26      ~~(e) Following a statutory summary suspension of driving~~

1 ~~privileges pursuant to Section 11-501.1, for a first offender,~~  
2 ~~the circuit court shall, unless the offender has opted in~~  
3 ~~writing not to have a monitoring device driving permit issued,~~  
4 ~~order the Secretary of State to issue a monitoring device~~  
5 ~~driving permit as provided in Section 6-206.1. A monitoring~~  
6 ~~device driving permit shall not be effective prior to the 31st~~  
7 ~~day of the statutory summary suspension.~~ A first offender who  
8 refused chemical testing and whose driving privileges were  
9 summarily revoked pursuant to Section 11-501.1 shall not be  
10 eligible for a monitoring device driving permit, but may make  
11 application for reinstatement or for a restricted driving  
12 permit after a period of one year has elapsed from the  
13 effective date of the revocation.

14 (f) (Blank).

15 (g) Following a statutory summary suspension of driving  
16 privileges pursuant to Section 11-501.1 where the person was  
17 not a first offender, as defined in Section 11-500, the  
18 Secretary of State may not issue a restricted driving permit.

19 (h) (Blank).

20 (Source: P.A. 96-1344, eff. 7-1-11; 97-229, eff. 7-28-11;  
21 98-122, eff. 1-1-14.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.