

1 AN ACT in relation to vehicles.

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
5 changing Sections 6-500, 6-506, 6-514, 6-524, 11-1201,
6 18b-105, and 18b-107 as follows:

7 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

8 Sec. 6-500. Definitions of words and phrases.
9 Notwithstanding the definitions set forth elsewhere in this
10 Code, for purposes of the Uniform Commercial Driver's License
11 Act (UCDLA), the words and phrases listed below shall have
12 the meanings ascribed to them as follows:

13 Alcohol. "Alcohol" means any substance containing any
14 form of alcohol, including but not limited to: ethanol;
15 methanol; propanol and isopropanol.

16 Alcohol concentration. "Alcohol concentration" means:

17 (a) the number of grams of alcohol per 210 liters
18 of breath; or

19 (b) the number of grams of alcohol per 100
20 milliliters of blood; or

21 (c) the number of grams of alcohol per 67
22 milliliters of urine.

23 Alcohol tests administered within 2 hours of the driver
24 being "stopped or detained" shall be considered that driver's
25 "alcohol concentration" for the purposes of enforcing this
26 UCDLA.

27 Commercial Motor Vehicle. "Commercial motor vehicle"
28 means a motor vehicle, except those referred to in paragraph
29 (d), designed to transport passengers or property if:

30 (a) the vehicle has a GVWR of 26,001 pounds or more
31 or such a lesser GVWR as subsequently determined by

1 federal regulations or the Secretary of State; or any
2 combination of vehicles with a GCWR of 26,001 pounds or
3 more, provided the GVWR of any vehicle or vehicles being
4 towed is 10,001 pounds or more; or

5 (b) the vehicle is designed to transport 16 or more
6 persons; or

7 (c) the vehicle is transporting hazardous materials
8 and is required to be placarded in accordance with 49
9 C.F.R. Part 172, subpart F.

10 (d) Pursuant to the interpretation of the
11 Commercial Motor Vehicle Safety Act of 1986 by the
12 Federal Highway Administration, the definition of
13 "commercial vehicle" does not include:

14 (i) Recreational vehicles, when operated
15 primarily for personal use;

16 (ii) United States Department of Defense
17 vehicles being operated by non-civilian personnel.
18 This includes any operator on active military duty;
19 members of the Reserves; National Guard; personnel
20 on part-time training; and National Guard military
21 technicians (civilians who are required to wear
22 military uniforms and are subject to the Code of
23 Military Justice); or

24 (iii) Firefighting and other emergency
25 equipment with audible and visual signals, owned or
26 operated by or for a governmental entity, which is
27 necessary to the preservation of life or property or
28 the execution of emergency governmental functions
29 which are normally not subject to general traffic
30 rules and regulations.

31 Controlled Substance. "Controlled substance" shall have
32 the same meaning as defined in Section 102 of the Illinois
33 Controlled Substances Act, and shall also include cannabis as
34 defined in Section 3 of the Cannabis Control Act.

1 Conviction. "Conviction" means an unvacated adjudication
2 of guilt or a determination that a person has violated or
3 failed to comply with the law in a court of original
4 jurisdiction or an authorized administrative tribunal; an
5 unvacated forfeiture of bail or collateral deposited to
6 secure the person's appearance in court; the payment of a
7 fine or court cost regardless of whether the imposition of
8 sentence is deferred and ultimately a judgment dismissing the
9 underlying charge is entered; or a violation of a condition
10 of release without bail, regardless of whether or not the
11 penalty is rebated, suspended or probated.

12 Driver. "Driver" means any person who drives, operates,
13 or is in physical control of a commercial motor vehicle, or
14 who is required to hold a CDL.

15 Employee. "Employee" means a person who is employed as a
16 commercial motor vehicle driver. A person who is
17 self-employed as a commercial motor vehicle driver must
18 comply with the requirements of this UCDLA pertaining to
19 employees. An owner-operator on a long-term lease shall be
20 considered an employee.

21 Employer. "Employer" means a person (including the
22 United States, a State or a local authority) who owns or
23 leases a commercial motor vehicle or assigns employees to
24 operate such a vehicle. A person who is self-employed as a
25 commercial motor vehicle driver must comply with the
26 requirements of this UCDLA.

27 Foreign jurisdiction. "Foreign jurisdiction" means a
28 sovereign jurisdiction that does not fall within the
29 definition of "State".

30 Hazardous Material. Upon a finding by the United States
31 Secretary of Transportation, in his or her discretion, under
32 49 App. U.S.C. 5103(a), that the transportation of a
33 particular quantity and form of material in commerce may pose
34 an unreasonable risk to health and safety or property, he or

1 she shall designate the quantity and form of material or
 2 group or class of the materials as a hazardous material. The
 3 materials so designated may include but are not limited to
 4 explosives, radioactive materials, etiologic agents,
 5 flammable liquids or solids, combustible liquids or solids,
 6 poisons, oxidizing or corrosive materials, and compressed
 7 gases.

8 Long-term-lease. "Long-term-lease" means a lease of a
 9 commercial motor vehicle by the owner-lessor to a lessee, for
 10 a period of more than 29 days.

11 Motor Vehicle. "Motor vehicle" means every vehicle which
 12 is self-propelled, and every vehicle which is propelled by
 13 electric power obtained from over head trolley wires but not
 14 operated upon rails, except vehicles moved solely by human
 15 power and motorized wheel chairs.

16 Non-resident CDL. "Non-resident CDL" means a commercial
 17 driver's license issued by a State to an individual who is
 18 domiciled in a foreign jurisdiction.

19 Railroad-Highway Grade Crossing Violation.
 20 "Railroad-Highway Grade Crossing Violation" means a
 21 violation, while operating a commercial motor vehicle, of any
 22 of the following:

- 23 (1) An offense listed in subsection (j) of Section
- 24 6-514 of this Code.
- 25 (2) Section 11-1201 of this Code.
- 26 (3) Section 11-1201.1 of this Code.
- 27 (4) Section 11-1202 of this Code.
- 28 (5) Section 11-1203 of this Code.
- 29 (6) 92 Illinois Administrative Code 392.10.
- 30 (7) 92 Illinois Administrative Code 392.11.
- 31 (8) Any local ordinance that is similar to any of
- 32 items (1) through (7).

33 Serious Traffic Violation. "Serious traffic violation"
 34 means:

1 (a) A conviction when operating a commercial motor
2 vehicle of:

3 (i) a violation relating to excessive
4 speeding, involving a single speeding charge of 15
5 miles per hour or more above the legal speed limit;
6 or

7 (ii) a violation relating to reckless driving;
8 or

9 (iii) a violation of any State Law or local
10 ordinance relating to motor vehicle traffic control
11 (other than parking violations) arising in
12 connection with a fatal traffic accident; or

13 (iv) a violation of Section 6-501, relating to
14 having multiple driver's licenses; or

15 (v) a violation of paragraph (a), of Section
16 6-507, relating to the requirement to have a valid
17 CDL; or

18 (vi) a violation relating to improper or
19 erratic traffic lane changes; or

20 (vii) a violation relating to following
21 another vehicle too closely; or

22 (b) any other similar violation of a law or local
23 ordinance of any state relating to motor vehicle traffic
24 control, other than a parking violation, which the
25 Secretary of State determines by Administrative Rule to
26 be serious.

27 State. "State" means a State of the United States, the
28 District of Columbia and any Province or Territory of Canada.
29 (Source: P.A. 89-179, eff. 1-1-96; 89-571, eff. 7-26-96;
30 90-89, eff. 1-1-98.)

31 (625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)
32 Sec. 6-506. Commercial motor vehicle driver -
33 employer/owner responsibilities.

1 (a) No employer or commercial motor vehicle owner shall
2 knowingly allow, permit, or authorize an employee to drive a
3 commercial motor vehicle on the highways during any period in
4 which such employee:

5 (1) has a driver's license suspended, revoked or
6 cancelled by any state; or

7 (2) has lost the privilege to drive a commercial motor
8 vehicle in any state; or

9 (3) has been disqualified from driving a commercial
10 motor vehicle; or

11 (4) has more than one driver's license, except as
12 provided by this UCCLA; or-

13 (5) is subject to or in violation of an "out-of-service"
14 order.

15 (b) No employer or commercial motor vehicle owner may
16 knowingly allow, permit, authorize, or require a driver to
17 operate a commercial motor vehicle in violation of any law or
18 regulation pertaining to railroad-highway grade crossings.

19 (c) Any employer convicted of violating subsection (a)
20 of this Section, whether individually or in connection with
21 one or more other persons, or as principal agent, or
22 accessory, shall be guilty of a Class A misdemeanor.

23 (Source: P.A. 86-845.)

24 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

25 Sec. 6-514. Commercial Driver's License (CDL) -
26 Disqualifications.

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

30 (1) Refusing to submit to or failure to complete a
31 test or tests to determine the driver's blood
32 concentration of alcohol, other drug, or both, while
33 driving a commercial motor vehicle; or

1 (2) Operating a commercial motor vehicle while the
2 alcohol concentration of the person's blood, breath or
3 urine is at least 0.04, or any amount of a drug,
4 substance, or compound in the person's blood or urine
5 resulting from the unlawful use or consumption of
6 cannabis listed in the Cannabis Control Act or a
7 controlled substance listed in the Illinois Controlled
8 Substances Act as indicated by a police officer's sworn
9 report or other verified evidence; or

10 (3) Conviction for a first violation of:

11 (i) Driving a commercial motor vehicle while
12 under the influence of alcohol, or any other drug,
13 or combination of drugs to a degree which renders
14 such person incapable of safely driving; or

15 (ii) Knowingly and wilfully leaving the scene
16 of an accident while operating a commercial motor
17 vehicle; or

18 (iii) Driving a commercial motor vehicle while
19 committing any felony.

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
23 of 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
27 separate incidents.

28 (c) A person is disqualified from driving a commercial
29 motor vehicle for life who uses a commercial motor vehicle in
30 the commission of any felony involving the manufacture,
31 distribution, or dispensing of a controlled substance, or
32 possession with intent to manufacture, distribute or dispense
33 a controlled substance.

34 (d) The Secretary of State may, when the United States

1 Secretary of Transportation so authorizes, issue regulations
2 in which a disqualification for life under paragraph (b) may
3 be reduced to a period of not less than 10 years. If a
4 reinstated driver is subsequently convicted of another
5 disqualifying offense, as specified in subsection (a) of this
6 Section, he or she shall be permanently disqualified for life
7 and shall be ineligible to again apply for a reduction of the
8 lifetime disqualification.

9 (e) A person is disqualified from driving a commercial
10 motor vehicle for a period of not less than 2 months if
11 convicted of 2 serious traffic violations, committed in a
12 commercial motor vehicle, arising from separate incidents,
13 occurring within a 3 year period. However, a person will be
14 disqualified from driving a commercial motor vehicle for a
15 period of not less than 4 months if convicted of 3 serious
16 traffic violations, committed in a commercial motor vehicle,
17 arising from separate incidents, occurring within a 3 year
18 period.

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

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

32 (h) The "disqualifications" referred to in this Section
33 shall not be imposed upon any commercial motor vehicle
34 driver, by the Secretary of State, unless the prohibited

1 action(s) occurred after March 31, 1992.

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

4 (1) For 6 months upon a first conviction of
5 paragraph (2) of subsection (b) of Section 6-507 of this
6 Code.

7 (2) For one year upon a second conviction of
8 paragraph (2) of subsection (b) of Section 6-507 of this
9 Code within a 10-year period.

10 (3) For 3 years upon a third or subsequent
11 conviction of paragraph (2) of subsection (b) of Section
12 6-507 of this Code within a 10-year period.

13 (4) For one year upon a first conviction of
14 paragraph (3) of subsection (b) of Section 6-507 of this
15 Code.

16 (5) For 3 years upon a second conviction of
17 paragraph (3) of subsection (b) of Section 6-507 of this
18 Code within a 10-year period.

19 (6) For 5 years upon a third or subsequent
20 conviction of paragraph (3) of subsection (b) of Section
21 6-507 of this Code within a 10-year period.

22 (j) (1) A driver shall be disqualified for the
23 applicable period specified in paragraph (2) for any
24 violation of a federal, State, or local law or regulation
25 pertaining to one of the following offenses at a
26 railroad-highway grade crossing while operating a commercial
27 motor vehicle:

28 (i) For drivers who are not always required to
29 stop, failing to slow down and check that the tracks
30 are clear of an approaching train.

31 (ii) For drivers who are not always required
32 to stop, failing to stop before reaching the
33 crossing, if the tracks are not clear.

34 (iii) For drivers who are always required to

1 stop, failing to stop before driving onto the
2 crossing.

3 (iv) For all drivers, failing to have
4 sufficient space to drive completely through the
5 crossing without stopping.

6 (v) For all drivers, failing to obey a traffic
7 control device or the directions of an enforcement
8 official at the crossing.

9 (vi) For all drivers, failing to negotiate a
10 crossing because of insufficient undercarriage
11 clearance.

12 (2) The length of the disqualification shall be:

13 (i) Not less than 60 days in the case of a
14 conviction for any of the offenses described in
15 paragraph (1) if the person had no convictions for
16 any of the offenses described in paragraph (1)
17 during the 3-year period immediately preceding the
18 conviction.

19 (ii) Not less than 120 days in the case of a
20 conviction for any of the offenses described in
21 paragraph (1) if the person had one conviction for
22 any of the offenses described in paragraph (1)
23 during the 3-year period immediately preceding the
24 conviction.

25 (iii) Not less than one year in the case of a
26 conviction for any of the offenses described in
27 paragraph (1) if the person had 2 or more
28 convictions, based on separate incidents, for any of
29 the offenses described in paragraph (1) during the
30 3-year period immediately preceding the conviction.

31 (Source: P.A. 89-245, eff. 1-1-96; 90-422, eff. 1-1-98.)

32 (625 ILCS 5/6-524) (from Ch. 95 1/2, par. 6-524)

33 Sec. 6-524. Penalties.

1 (a) Every person convicted of violating any provision of
 2 this UCDLA for which another penalty is not provided shall
 3 for a first offense be guilty of a petty offense; and for a
 4 second conviction for any offense committed within 3 years of
 5 any previous offense, shall be guilty of a Class B
 6 misdemeanor.

7 (b) Any person convicted of violating subsection (b) of
 8 Section 6-506 of this Code shall be subject to a civil
 9 penalty of not more than \$10,000.

10 (Source: P.A. 86-845.)

11 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)
 12 Sec. 11-1201. Obedience to signal indicating approach of
 13 train.

14 (a) Whenever any person driving a vehicle approaches a
 15 railroad grade crossing such person must exercise due care
 16 and caution as the existence of a railroad track across a
 17 highway is a warning of danger, and under any of the
 18 circumstances stated in this Section, the driver shall stop
 19 within 50 feet but not less than 15 feet from the nearest
 20 rail of the railroad and shall not proceed until he can do so
 21 safely. The foregoing requirements shall apply when:

22 1. A clearly visible electric or mechanical signal
 23 device gives warning of the immediate approach of a
 24 railroad train;

25 2. A crossing gate is lowered or a human flagman
 26 gives or continues to give a signal of the approach or
 27 passage of a railroad train;

28 3. A railroad train approaching a highway crossing
 29 emits a warning signal and such railroad train, by reason
 30 of its speed or nearness to such crossing, is an
 31 immediate hazard;

32 4. An approaching railroad train is plainly visible
 33 and is in hazardous proximity to such crossing.

1 5. A railroad train is approaching so closely that
2 an immediate hazard is created.

3 (b) No person shall drive any vehicle through, around or
4 under any crossing gate or barrier at a railroad crossing
5 while such gate or barrier is closed or is being opened or
6 closed.

7 (c) The Department, and local authorities with the
8 approval of the Department, are hereby authorized to
9 designate particularly dangerous highway grade crossings of
10 railroads and to erect stop signs thereat. When such stop
11 signs are erected the driver of any vehicle shall stop within
12 50 feet but not less than 15 feet from the nearest rail of
13 such railroad and shall proceed only upon exercising due
14 care.

15 (d) At any railroad grade crossing provided with
16 railroad crossbuck signs, without automatic, electric, or
17 mechanical signal devices, crossing gates, or a human flagman
18 giving a signal of the approach or passage of a train, the
19 driver of a vehicle shall in obedience to the railroad
20 crossbuck sign, yield the right-of-way and slow down to a
21 speed reasonable for the existing conditions and shall stop,
22 if required for safety, at a clearly marked stopped line, or
23 if no stop line, within 50 feet but not less than 15 feet
24 from the nearest rail of the railroad and shall not proceed
25 until he or she can do so safely. If a driver is involved in
26 a collision at a railroad crossing or interferes with the
27 movement of a train after driving past the railroad crossbuck
28 sign, the collision or interference is prima facie evidence
29 of the driver's failure to yield right-of-way.

30 (d-5) No person may drive any vehicle through a railroad
31 crossing if there is insufficient space to drive completely
32 through the crossing without stopping.

33 (e) A violation of any part of this Section shall result
34 in a mandatory fine of \$500 or 50 hours of community service.

1 (f) Local authorities shall impose fines as established
 2 in subsection (e) for vehicles that fail to obey signals
 3 indicating the presence, approach, passage, or departure of a
 4 train.

5 (Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)

6 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)
 7 Sec. 18b-105. Rules and Regulations.

8 (a) The Department is authorized to make and adopt
 9 reasonable rules and regulations and orders consistent with
 10 law necessary to carry out the provisions of this Chapter.

11 (b) The following parts of Title 49 of the Code of
 12 Federal Regulations, as now in effect, are hereby adopted by
 13 reference as though they were set out in full:

14 Part 383-Commercial Driver's License Standards,
 15 Requirements, and Penalties;

16 Part 385-Safety Fitness Procedures;

17 Part 390-Federal Motor Carrier Safety Regulations:
 18 General;

19 Part 391-Qualifications of Drivers;

20 Part 392-Driving of Motor Vehicles;

21 Part 393-Parts and Accessories Necessary for Safe
 22 Operation;

23 Part 395-Hours of Service of Drivers; and

24 Part 396-Inspection, Repair and Maintenance.

25 (c) The following parts and Sections of the Federal
 26 Motor Carrier Safety Regulations shall not apply to those
 27 intrastate carriers, drivers or vehicles subject to
 28 subsection (b).

29 (1) Section 393.93 of Part 393 for those vehicles
 30 manufactured before June 30, 1972.

31 (2) Section 393.86 of Part 393 for those vehicles
 32 which are registered as farm trucks under subsection (c)
 33 of Section 3-815 of The Illinois Vehicle Code.

1 (3) (Blank).

2 (4) (Blank).

3 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

4 (6) All of Part 395 for all agricultural movements
5 as defined in Chapter 1, between the period of February 1
6 through November 30 each year, and all farm to market
7 agricultural transportation as defined in Chapter 1 and
8 for grain hauling operations within a radius of 200 air
9 miles of the normal work reporting location.

10 (7) Paragraphs (b)(3) (insulin dependent diabetic)
11 and (b)(10) (minimum visual acuity) of Section 391.41 of
12 part 391, but only for any driver who immediately prior
13 to July 29, 1986 was eligible and licensed to operate a
14 motor vehicle subject to this Section and was engaged in
15 operating such vehicles, and who was disqualified on July
16 29, 1986 by the adoption of Part 391 by reason of the
17 application of paragraphs (b)(3) and (b)(10) of Section
18 391.41 with respect to a physical condition existing at
19 that time unless such driver has a record of accidents
20 which would indicate a lack of ability to operate a motor
21 vehicle in a safe manner.

22 (d) Intrastate carriers subject to the recording
23 provisions of Section 395.8 of Part 395 of the Federal Motor
24 Carrier Safety Regulations shall be exempt as established
25 under paragraph (1) of Section 395.8; provided, however, for
26 the purpose of this Code, drivers shall operate within a 150
27 air-mile radius of the normal work reporting location to
28 qualify for exempt status.

29 (e) Regulations adopted by the Department subsequent to
30 those adopted under subsection (b) hereof shall be identical
31 in substance to the Federal Motor Carrier Safety Regulations
32 of the United States Department of Transportation and adopted
33 in accordance with the procedures for rulemaking in Section
34 5-35 of the Illinois Administrative Procedure Act.

1 (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97;
2 90-655, eff. 7-30-98; 91-179, eff. 1-1-00.)

3 (625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)
4 Sec. 18b-107. Violations - Civil penalties.

5 Except as provided in Section 18b-108, any person who is
6 determined by the Department after reasonable notice and
7 opportunity for a fair and impartial hearing to have
8 committed an act in violation of this Chapter or any rule or
9 regulation issued under this Chapter is liable to the State
10 for a civil penalty. Such person is subject to a civil
11 penalty of not more than \$5,000 for such violation, except
12 that a person committing a railroad-highway grade crossing
13 violation is subject to a civil penalty of not more than
14 \$10,000, and, if any such violation is a continuing one, each
15 day of violation constitutes a separate offense. The amount
16 of any such penalty shall be assessed by the Department by a
17 written notice. In determining the amount of such penalty,
18 the Department shall take into account the nature,
19 circumstances, extent and gravity of the violation and, with
20 respect to a person found to have committed such violation,
21 the degree of culpability, history or prior offenses, ability
22 to pay, effect on ability to continue to do business and such
23 other matters as justice may require.

24 Such civil penalty is recoverable in an action brought by
25 the State's Attorney or the Attorney General on behalf of the
26 State in the circuit court or, prior to referral to the
27 State's Attorney or the Attorney General, such civil penalty
28 may be compromised by the Department. The amount of such
29 penalty when finally determined (or agreed upon in
30 compromise), may be deducted from any sums owed by the State
31 to the person charged. All civil penalties collected under
32 this subsection shall be deposited in the Road Fund.

33 (Source: P.A. 86-611; 86-1236.)

1 Section 99. Effective date. This Act takes effect
2 January 1, 2002.