

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 1-115.3, 6-204, 6-205, 6-206, 6-206.1, 6-500, 6-507,  
6 6-508, 6-509, 6-510, 6-513, 6-514, 6-518, 6-523, 7-702.1, and  
7 11-501.8 as follows:

8 (625 ILCS 5/1-115.3)

9 Sec. 1-115.3. Disqualification. Disqualification means any  
10 of the following 3 actions:

11 (a) The suspension, revocation, or cancellation of a CDL by  
12 the State or jurisdiction of issuance.

13 (b) Any withdrawal of a person's privileges to drive a  
14 commercial motor vehicle by a State or other jurisdiction as a  
15 result of a violation of State or local law relating to motor  
16 vehicle traffic control (other than parking, vehicle weight or  
17 vehicle defect violations).

18 (c) A determination by the Federal Motor Carrier Safety  
19 Administration that a person is not qualified to operate a  
20 commercial motor vehicle under 49 C.F.R. Part 391. ~~A withdrawal~~  
21 ~~of the privilege to drive a commercial motor vehicle.~~

22 (Source: P.A. 90-89, eff. 1-1-98.)

23 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

24 Sec. 6-204. When Court to forward License and Reports.

25 (a) For the purpose of providing to the Secretary of State  
26 the records essential to the performance of the Secretary's  
27 duties under this Code to cancel, revoke or suspend the  
28 driver's license and privilege to drive motor vehicles of  
29 certain minors adjudicated truant minors in need of  
30 supervision, addicted, or delinquent and of persons found  
31 guilty of the criminal offenses or traffic violations which

1 this Code recognizes as evidence relating to unfitness to  
2 safely operate motor vehicles, the following duties are imposed  
3 upon public officials:

4 (1) Whenever any person is convicted of any offense for  
5 which this Code makes mandatory the cancellation or  
6 revocation of the driver's license or permit of such person  
7 by the Secretary of State, the judge of the court in which  
8 such conviction is had shall require the surrender to the  
9 clerk of the court of all driver's licenses or permits then  
10 held by the person so convicted, and the clerk of the court  
11 shall, within 5 ~~10~~ days thereafter, forward the same,  
12 together with a report of such conviction, to the  
13 Secretary.

14 (2) Whenever any person is convicted of any offense  
15 under this Code or similar offenses under a municipal  
16 ordinance, other than regulations governing standing,  
17 parking or weights of vehicles, and excepting the following  
18 enumerated Sections of this Code: Sections 11-1406  
19 (obstruction to driver's view or control), 11-1407  
20 (improper opening of door into traffic), 11-1410 (coasting  
21 on downgrade), 11-1411 (following fire apparatus),  
22 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
23 vehicle which is in unsafe condition or improperly  
24 equipped), 12-201(a) (daytime lights on motorcycles),  
25 12-202 (clearance, identification and side marker lamps),  
26 12-204 (lamp or flag on projecting load), 12-205 (failure  
27 to display the safety lights required), 12-401  
28 (restrictions as to tire equipment), 12-502 (mirrors),  
29 12-503 (windshields must be unobstructed and equipped with  
30 wipers), 12-601 (horns and warning devices), 12-602  
31 (mufflers, prevention of noise or smoke), 12-603 (seat  
32 safety belts), 12-702 (certain vehicles to carry flares or  
33 other warning devices), 12-703 (vehicles for oiling roads  
34 operated on highways), 12-710 (splash guards and  
35 replacements), 13-101 (safety tests), 15-101 (size, weight  
36 and load), 15-102 (width), 15-103 (height), 15-104 (name

1 and address on second division vehicles), 15-107 (length of  
2 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
3 15-112 (weights), 15-301 (weights), 15-316 (weights),  
4 15-318 (weights), and also excepting the following  
5 enumerated Sections of the Chicago Municipal Code:  
6 Sections 27-245 (following fire apparatus), 27-254  
7 (obstruction of traffic), 27-258 (driving vehicle which is  
8 in unsafe condition), 27-259 (coasting on downgrade),  
9 27-264 (use of horns and signal devices), 27-265  
10 (obstruction to driver's view or driver mechanism), 27-267  
11 (dimming of headlights), 27-268 (unattended motor  
12 vehicle), 27-272 (illegal funeral procession), 27-273  
13 (funeral procession on boulevard), 27-275 (driving freight  
14 hauling vehicles on boulevard), 27-276 (stopping and  
15 standing of buses or taxicabs), 27-277 (cruising of public  
16 passenger vehicles), 27-305 (parallel parking), 27-306  
17 (diagonal parking), 27-307 (parking not to obstruct  
18 traffic), 27-308 (stopping, standing or parking  
19 regulated), 27-311 (parking regulations), 27-312 (parking  
20 regulations), 27-313 (parking regulations), 27-314  
21 (parking regulations), 27-315 (parking regulations),  
22 27-316 (parking regulations), 27-317 (parking  
23 regulations), 27-318 (parking regulations), 27-319  
24 (parking regulations), 27-320 (parking regulations),  
25 27-321 (parking regulations), 27-322 (parking  
26 regulations), 27-324 (loading and unloading at an angle),  
27 27-333 (wheel and axle loads), 27-334 (load restrictions in  
28 the downtown district), 27-335 (load restrictions in  
29 residential areas), 27-338 (width of vehicles), 27-339  
30 (height of vehicles), 27-340 (length of vehicles), 27-352  
31 (reflectors on trailers), 27-353 (mufflers), 27-354  
32 (display of plates), 27-355 (display of city vehicle tax  
33 sticker), 27-357 (identification of vehicles), 27-358  
34 (projecting of loads), and also excepting the following  
35 enumerated paragraphs of Section 2-201 of the Rules and  
36 Regulations of the Illinois State Toll Highway Authority:

1 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
2 transporting dangerous cargo not properly indicated), it  
3 shall be the duty of the clerk of the court in which such  
4 conviction is had within 10 days thereafter to forward to  
5 the Secretary of State a report of the conviction and the  
6 court may recommend the suspension of the driver's license  
7 or permit of the person so convicted.

8 The reporting requirements of this subsection shall apply  
9 to all violations stated in paragraphs (1) and (2) of this  
10 subsection when the individual has been adjudicated under the  
11 Juvenile Court Act or the Juvenile Court Act of 1987. Such  
12 reporting requirements shall also apply to individuals  
13 adjudicated under the Juvenile Court Act or the Juvenile Court  
14 Act of 1987 who have committed a violation of Section 11-501 of  
15 this Code, or similar provision of a local ordinance, or  
16 Section 9-3 of the Criminal Code of 1961, as amended, relating  
17 to the offense of reckless homicide. The reporting requirements  
18 of this subsection shall also apply to a truant minor in need  
19 of supervision, an addicted minor, or a delinquent minor and  
20 whose driver's license and privilege to drive a motor vehicle  
21 has been ordered suspended for such times as determined by the  
22 Court, but only until he or she attains 18 years of age. It  
23 shall be the duty of the clerk of the court in which  
24 adjudication is had within 5 ~~10~~ days thereafter to forward to  
25 the Secretary of State a report of the adjudication and the  
26 court order requiring the Secretary of State to suspend the  
27 minor's driver's license and driving privilege for such time as  
28 determined by the Court, but only until he or she attains the  
29 age of 18 years. All juvenile court dispositions reported to  
30 the Secretary of State under this provision shall be processed  
31 by the Secretary of State as if the cases had been adjudicated  
32 in traffic or criminal court. However, information reported  
33 relative to the offense of reckless homicide, or Section 11-501  
34 of this Code, or a similar provision of a local ordinance,  
35 shall be privileged and available only to the Secretary of  
36 State, courts, and police officers.

1           The reporting requirements of this subsection (a)  
2           apply to all violations listed in paragraphs (1) and (2) of  
3           this subsection (a), excluding parking violations, when  
4           the driver holds a CDL, regardless of the type of vehicle  
5           in which the violation occurred, or when any driver  
6           committed the violation in a commercial motor vehicle as  
7           defined in Section 6-500 of this Code.

8           (3) Whenever an order is entered vacating the  
9           forfeiture of any bail, security or bond given to secure  
10          appearance for any offense under this Code or similar  
11          offenses under municipal ordinance, it shall be the duty of  
12          the clerk of the court in which such vacation was had or  
13          the judge of such court if such court has no clerk, within  
14          5 ~~10~~ days thereafter to forward to the Secretary of State a  
15          report of the vacation.

16          (4) A report of any disposition of court supervision  
17          for a violation of Sections 6-303, 11-401, 11-501 or a  
18          similar provision of a local ordinance, 11-503 and 11-504  
19          shall be forwarded to the Secretary of State. A report of  
20          any disposition of court supervision for a violation of an  
21          offense defined as a serious traffic violation in this Code  
22          or a similar provision of a local ordinance committed by a  
23          person under the age of 21 years shall be forwarded to the  
24          Secretary of State.

25          (5) Reports of conviction under this Code and  
26          sentencing hearings under the Juvenile Court Act of 1987 in  
27          an electronic format or a computer processible medium shall  
28          be forwarded to the Secretary of State via the Supreme  
29          Court in the form and format required by the Illinois  
30          Supreme Court and established by a written agreement  
31          between the Supreme Court and the Secretary of State. In  
32          counties with a population over 300,000, instead of  
33          forwarding reports to the Supreme Court, reports of  
34          conviction under this Code and sentencing hearings under  
35          the Juvenile Court Act of 1987 in an electronic format or a  
36          computer processible medium may be forwarded to the

1 Secretary of State by the Circuit Court Clerk in a form and  
2 format required by the Secretary of State and established  
3 by written agreement between the Circuit Court Clerk and  
4 the Secretary of State. Failure to forward the reports of  
5 conviction or sentencing hearing under the Juvenile Court  
6 Act of 1987 as required by this Section shall be deemed an  
7 omission of duty and it shall be the duty of the several  
8 State's Attorneys to enforce the requirements of this  
9 Section.

10 (b) Whenever a restricted driving permit is forwarded to a  
11 court, as a result of confiscation by a police officer pursuant  
12 to the authority in Section 6-113(f), it shall be the duty of  
13 the clerk, or judge, if the court has no clerk, to forward such  
14 restricted driving permit and a facsimile of the officer's  
15 citation to the Secretary of State as expeditiously as  
16 practicable.

17 (c) For the purposes of this Code, a forfeiture of bail or  
18 collateral deposited to secure a defendant's appearance in  
19 court when forfeiture has not been vacated, or the failure of a  
20 defendant to appear for trial after depositing his driver's  
21 license in lieu of other bail, shall be equivalent to a  
22 conviction.

23 (d) For the purpose of providing the Secretary of State  
24 with records necessary to properly monitor and assess driver  
25 performance and assist the courts in the proper disposition of  
26 repeat traffic law offenders, the clerk of the court shall  
27 forward to the Secretary of State, on a form prescribed by the  
28 Secretary, records of a driver's participation in a driver  
29 remedial or rehabilitative program which was required, through  
30 a court order or court supervision, in relation to the driver's  
31 arrest for a violation of Section 11-501 of this Code or a  
32 similar provision of a local ordinance. The clerk of the court  
33 shall also forward to the Secretary, either on paper or in an  
34 electronic format or a computer processible medium as required  
35 under paragraph (5) of subsection (a) of this Section, any  
36 disposition of court supervision for any traffic violation,

1 excluding those offenses listed in paragraph (2) of subsection  
2 (a) of this Section. These reports shall be sent within 5 ~~10~~  
3 days after disposition, or, if the driver is referred to a  
4 driver remedial or rehabilitative program, within 5 ~~10~~ days of  
5 the driver's referral to that program. These reports received  
6 by the Secretary of State, including those required to be  
7 forwarded under paragraph (a)(4), shall be privileged  
8 information, available only (i) to the affected driver and (ii)  
9 for use by the courts, police officers, prosecuting  
10 authorities, and the Secretary of State. In accordance with 49  
11 C.F.R. Part 384, all reports of court supervision, except  
12 violations related to parking, shall be forwarded to the  
13 Secretary of State for all holders of a CDL or any driver who  
14 commits an offense while driving a commercial motor vehicle.  
15 These reports shall be recorded to the driver's record as a  
16 conviction for use in the disqualification of the driver's  
17 commercial motor vehicle privileges and shall not be privileged  
18 information.

19 (Source: P.A. 91-357, eff. 7-29-99; 91-716, eff. 10-1-00;  
20 92-458, eff. 8-22-01.)

21 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

22 Sec. 6-205. Mandatory revocation of license or permit;  
23 Hardship cases.

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

28 1. Reckless homicide resulting from the operation of a  
29 motor vehicle;

30 2. Violation of Section 11-501 of this Code or a  
31 similar provision of a local ordinance relating to the  
32 offense of operating or being in physical control of a  
33 vehicle while under the influence of alcohol, other drug or  
34 drugs, intoxicating compound or compounds, or any  
35 combination thereof;

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

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

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

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

14           7. Conviction of any offense defined in Section 4-102  
15 of this Code;

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

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

19           10. Violation of Section 12-5 of the Criminal Code of  
20 1961 arising from the use of a motor vehicle;

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

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

28           13. Violation of paragraph (a) of Section 11-502 of  
29 this Code or a similar provision of a local ordinance if  
30 the driver has been previously convicted of a violation of  
31 that Section or a similar provision of a local ordinance  
32 and the driver was less than 21 years of age at the time of  
33 the offense.

34           (b) The Secretary of State shall also immediately revoke  
35 the license or permit of any driver in the following  
36 situations:



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

6           2. Of any person when any other law of this State  
7           requires either the revocation or suspension of a license  
8           or permit.

9           (c) 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 whether  
12          the recommendation is made by the court may, upon application,  
13          issue to the person a restricted driving permit granting the  
14          privilege of driving a motor vehicle between the petitioner's  
15          residence and petitioner's place of employment or within the  
16          scope of the petitioner's employment related duties, or to  
17          allow transportation for the petitioner or a household member  
18          of the petitioner's family for the receipt of necessary medical  
19          care or, if the professional evaluation indicates, provide  
20          transportation for the petitioner for alcohol remedial or  
21          rehabilitative activity, or for the petitioner to attend  
22          classes, as a student, in an accredited educational  
23          institution; if the petitioner is able to demonstrate that no  
24          alternative means of transportation is reasonably available  
25          and the petitioner will not endanger the public safety or  
26          welfare; provided that the Secretary's discretion shall be  
27          limited to cases where undue hardship would result from a  
28          failure to issue the restricted driving permit.

29          If a person's license or permit has been revoked or  
30          suspended due to 2 or more convictions of violating Section  
31          11-501 of this Code or a similar provision of a local ordinance  
32          or a similar out-of-state offense, arising out of separate  
33          occurrences, that person, if issued a restricted driving  
34          permit, may not operate a vehicle unless it has been equipped  
35          with an ignition interlock device as defined in Section  
36          1-129.1.

1           If a person's license or permit has been revoked or  
2 suspended 2 or more times within a 10 year period due to a  
3 single conviction of violating Section 11-501 of this Code or a  
4 similar provision of a local ordinance or a similar  
5 out-of-state offense, and a statutory summary suspension under  
6 Section 11-501.1, or 2 or more statutory summary suspensions,  
7 or combination of 2 offenses, or of an offense and a statutory  
8 summary suspension, arising out of separate occurrences, that  
9 person, if issued a restricted driving permit, may not operate  
10 a vehicle unless it has been equipped with an ignition  
11 interlock device as defined in Section 1-129.1. The person must  
12 pay to the Secretary of State DUI Administration Fund an amount  
13 not to exceed \$20 per month. The Secretary shall establish by  
14 rule the amount and the procedures, terms, and conditions  
15 relating to these fees. If the restricted driving permit was  
16 issued for employment purposes, then this provision does not  
17 apply to the operation of an occupational vehicle owned or  
18 leased by that person's employer. In each case the Secretary of  
19 State may issue a restricted driving permit for a period he  
20 deems appropriate, except that the permit shall expire within  
21 one year from the date of issuance. The Secretary may not,  
22 however, issue a restricted driving permit to any person whose  
23 current revocation is the result of a second or subsequent  
24 conviction for a violation of Section 11-501 of this Code or a  
25 similar provision of a local ordinance relating to the offense  
26 of operating or being in physical control of a motor vehicle  
27 while under the influence of alcohol, other drug or drugs,  
28 intoxicating compound or compounds, or any similar  
29 out-of-state offense, or any combination thereof, until the  
30 expiration of at least one year from the date of the  
31 revocation. A restricted driving permit issued under this  
32 Section shall be subject to cancellation, revocation, and  
33 suspension by the Secretary of State in like manner and for  
34 like cause as a driver's license issued under this Code may be  
35 cancelled, revoked, or suspended; except that a conviction upon  
36 one or more offenses against laws or ordinances regulating the

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

13 (d) Whenever a person under the age of 21 is convicted  
14 under Section 11-501 of this Code or a similar provision of a  
15 local ordinance, the Secretary of State shall revoke the  
16 driving privileges of that person. One year after the date of  
17 revocation, and upon application, the Secretary of State may,  
18 if satisfied that the person applying will not endanger the  
19 public safety or welfare, issue a restricted driving permit  
20 granting the privilege of driving a motor vehicle only between  
21 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this  
22 Section for a period of one year. After this one year period,  
23 and upon reapplication for a license as provided in Section  
24 6-106, upon payment of the appropriate reinstatement fee  
25 provided under paragraph (b) of Section 6-118, the Secretary of  
26 State, in his discretion, may issue the applicant a license, or  
27 extend the restricted driving permit as many times as the  
28 Secretary of State deems appropriate, by additional periods of  
29 not more than 12 months each, until the applicant attains 21  
30 years of age.

31 If a person's license or permit has been revoked or  
32 suspended due to 2 or more convictions of violating Section  
33 11-501 of this Code or a similar provision of a local ordinance  
34 or a similar out-of-state offense, arising out of separate  
35 occurrences, that person, if issued a restricted driving  
36 permit, may not operate a vehicle unless it has been equipped

1 with an ignition interlock device as defined in Section  
2 1-129.1.

3 If a person's license or permit has been revoked or  
4 suspended 2 or more times within a 10 year period due to a  
5 single conviction of violating Section 11-501 of this Code or a  
6 similar provision of a local ordinance or a similar  
7 out-of-state offense, and a statutory summary suspension under  
8 Section 11-501.1, or 2 or more statutory summary suspensions,  
9 or combination of 2 offenses, or of an offense and a statutory  
10 summary suspension, arising out of separate occurrences, that  
11 person, if issued a restricted driving permit, may not operate  
12 a vehicle unless it has been equipped with an ignition  
13 interlock device as defined in Section 1-129.1. The person must  
14 pay to the Secretary of State DUI Administration Fund an amount  
15 not to exceed \$20 per month. The Secretary shall establish by  
16 rule the amount and the procedures, terms, and conditions  
17 relating to these fees. If the restricted driving permit was  
18 issued for employment purposes, then this provision does not  
19 apply to the operation of an occupational vehicle owned or  
20 leased by that person's employer. A restricted driving permit  
21 issued under this Section shall be subject to cancellation,  
22 revocation, and suspension by the Secretary of State in like  
23 manner and for like cause as a driver's license issued under  
24 this Code may be cancelled, revoked, or suspended; except that  
25 a conviction upon one or more offenses against laws or  
26 ordinances regulating the movement of traffic shall be deemed  
27 sufficient cause for the revocation, suspension, or  
28 cancellation of a restricted driving permit. The revocation  
29 periods contained in this subparagraph shall apply to similar  
30 out-of-state convictions.

31 (e) This Section is subject to the provisions of the Driver  
32 License Compact.

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

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

5 (h) The Secretary of State shall require the use of  
6 ignition interlock devices on all vehicles owned by an  
7 individual who has been convicted of a second or subsequent  
8 offense under Section 11-501 of this Code or a similar  
9 provision of a local ordinance. The Secretary shall establish  
10 by rule and regulation the procedures for certification and use  
11 of the interlock system.

12 (i) The Secretary of State may not issue a restricted  
13 driving permit for a period of one year after a second or  
14 subsequent revocation of driving privileges under clause  
15 (a)(2) of this Section; however, one year after the date of a  
16 second or subsequent revocation of driving privileges under  
17 clause (a)(2) of this Section, the Secretary of State may, upon  
18 application, issue a restricted driving permit under the terms  
19 and conditions of subsection (c).

20 (j) 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 revoked under any  
24 provisions of this Code.

25 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;  
26 92-651, eff. 7-11-02; 92-834, eff. 8-22-02; 93-120, eff.  
27 1-1-04.)

28 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

31 (a) The Secretary of State is authorized to suspend or  
32 revoke the driving privileges of any person without preliminary  
33 hearing upon a showing of the person's records or other  
34 sufficient evidence that the person:

35 1. Has committed an offense for which mandatory

1 revocation of a driver's license or permit is required upon  
2 conviction;

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

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

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

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

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

33 7. Has refused or failed to submit to an examination  
34 provided for by Section 6-207 or has failed to pass the  
35 examination;

36 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a  
3 material fact or has used false information or  
4 identification in any application for a license,  
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to  
7 fraudulently use any license, identification card, or  
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this  
10 State when the person's driving privilege or privilege to  
11 obtain a driver's license or permit was revoked or  
12 suspended unless the operation was authorized by a judicial  
13 driving permit, probationary license to drive, or a  
14 restricted driving permit issued under this Code;

15 12. Has submitted to any portion of the application  
16 process for another person or has obtained the services of  
17 another person to submit to any portion of the application  
18 process for the purpose of obtaining a license,  
19 identification card, or permit for some other person;

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

23 14. Has committed a violation of Section 6-301,  
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the  
27 Criminal Code of 1961 relating to criminal trespass to  
28 vehicles in which case, the suspension shall be for one  
29 year;

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

32 17. Has refused to submit to a test, or tests, as  
33 required under Section 11-501.1 of this Code and the person  
34 has not sought a hearing as provided for in Section  
35 11-501.1;

36 18. Has, since issuance of a driver's license or

1 permit, been adjudged to be afflicted with or suffering  
2 from any mental disability or disease;

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

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

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

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

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

21 24. Has been convicted by a court-martial or punished  
22 by non-judicial punishment by military authorities of the  
23 United States at a military installation in Illinois of or  
24 for a traffic related offense that is the same as or  
25 similar to an offense specified under Section 6-205 or  
26 6-206 of this Code;

27 25. Has permitted any form of identification to be used  
28 by another in the application process in order to obtain or  
29 attempt to obtain a license, identification card, or  
30 permit;

31 26. Has altered or attempted to alter a license or has  
32 possessed an altered license, identification card, or  
33 permit;

34 27. Has violated Section 6-16 of the Liquor Control Act  
35 of 1934;

36 28. Has been convicted of the illegal possession, while



1 operating or in actual physical control, as a driver, of a  
2 motor vehicle, of any controlled substance prohibited  
3 under the Illinois Controlled Substances Act or any  
4 cannabis prohibited under the provisions of the Cannabis  
5 Control Act, in which case the person's driving privileges  
6 shall be suspended for one year, and any driver who is  
7 convicted of a second or subsequent offense, within 5 years  
8 of a previous conviction, for the illegal possession, while  
9 operating or in actual physical control, as a driver, of a  
10 motor vehicle, of any controlled substance prohibited  
11 under the provisions of the Illinois Controlled Substances  
12 Act or any cannabis prohibited under the Cannabis Control  
13 Act shall be suspended for 5 years. Any defendant found  
14 guilty of this offense while operating a motor vehicle,  
15 shall have an entry made in the court record by the  
16 presiding judge that this offense did occur while the  
17 defendant was operating a motor vehicle and order the clerk  
18 of the court to report the violation to the Secretary of  
19 State;

20 29. Has been convicted of the following offenses that  
21 were committed while the person was operating or in actual  
22 physical control, as a driver, of a motor vehicle: criminal  
23 sexual assault, predatory criminal sexual assault of a  
24 child, aggravated criminal sexual assault, criminal sexual  
25 abuse, aggravated criminal sexual abuse, juvenile pimping,  
26 soliciting for a juvenile prostitute and the manufacture,  
27 sale or delivery of controlled substances or instruments  
28 used for illegal drug use or abuse in which case the  
29 driver's driving privileges shall be suspended for one  
30 year;

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

35 31. Has refused to submit to a test as required by  
36 Section 11-501.6 or has submitted to a test resulting in an

1 alcohol concentration of 0.08 or more or any amount of a  
2 drug, substance, or compound resulting from the unlawful  
3 use or consumption of cannabis as listed in the Cannabis  
4 Control Act, a controlled substance as listed in the  
5 Illinois Controlled Substances Act, or an intoxicating  
6 compound as listed in the Use of Intoxicating Compounds  
7 Act, in which case the penalty shall be as prescribed in  
8 Section 6-208.1;

9 32. Has been convicted of Section 24-1.2 of the  
10 Criminal Code of 1961 relating to the aggravated discharge  
11 of a firearm if the offender was located in a motor vehicle  
12 at the time the firearm was discharged, in which case the  
13 suspension shall be for 3 years;

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

18 34. Has committed a violation of Section 11-1301.5 of  
19 this Code;

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

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

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

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

33 39. Has committed a second or subsequent violation of  
34 Section 11-1201 of this Code; ~~or~~

35 40. Has committed a violation of subsection (a-1) of  
36 Section 11-908 of this Code; or

1           41. ~~40.~~ Has committed a second or subsequent violation  
2           of Section 11-605.1 of this Code within 2 years of the date  
3           of the previous violation, in which case the suspension  
4           shall be for 90 days.

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

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

21          (c) 1. Upon suspending or revoking the driver's license or  
22          permit of any person as authorized in this Section, the  
23          Secretary of State shall immediately notify the person in  
24          writing of the revocation or suspension. The notice to be  
25          deposited in the United States mail, postage prepaid, to  
26          the last known address of the person.

27          2. If the Secretary of State suspends the driver's  
28          license of a person under subsection 2 of paragraph (a) of  
29          this Section, a person's privilege to operate a vehicle as  
30          an occupation shall not be suspended, provided an affidavit  
31          is properly completed, the appropriate fee received, and a  
32          permit issued prior to the effective date of the  
33          suspension, unless 5 offenses were committed, at least 2 of  
34          which occurred while operating a commercial vehicle in  
35          connection with the driver's regular occupation. All other  
36          driving privileges shall be suspended by the Secretary of

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

18 The provisions of this subparagraph shall not apply to  
19 any driver required to possess a CDL for the purpose of  
20 operating a commercial motor vehicle ~~obtain a commercial~~  
21 ~~driver's license under Section 6-507 during the period of a~~  
22 ~~disqualification of commercial driving privileges under~~  
23 ~~Section 6-514.~~

24 Any person who falsely states any fact in the affidavit  
25 required herein shall be guilty of perjury under Section  
26 6-302 and upon conviction thereof shall have all driving  
27 privileges revoked without further rights.

28 3. At the conclusion of a hearing under Section 2-118  
29 of this Code, the Secretary of State shall either rescind  
30 or continue an order of revocation or shall substitute an  
31 order of suspension; or, good cause appearing therefor,  
32 rescind, continue, change, or extend the order of  
33 suspension. If the Secretary of State does not rescind the  
34 order, the Secretary may upon application, to relieve undue  
35 hardship, issue a restricted driving permit granting the  
36 privilege of driving a motor vehicle between the

1 petitioner's residence and petitioner's place of  
2 employment or within the scope of his employment related  
3 duties, or to allow transportation for the petitioner, or a  
4 household member of the petitioner's family, to receive  
5 necessary medical care and if the professional evaluation  
6 indicates, provide transportation for alcohol remedial or  
7 rehabilitative activity, or for the petitioner to attend  
8 classes, as a student, in an accredited educational  
9 institution; if the petitioner is able to demonstrate that  
10 no alternative means of transportation is reasonably  
11 available and the petitioner will not endanger the public  
12 safety or welfare.

13 If a person's license or permit has been revoked or  
14 suspended due to 2 or more convictions of violating Section  
15 11-501 of this Code or a similar provision of a local  
16 ordinance or a similar out-of-state offense, arising out of  
17 separate occurrences, that person, if issued a restricted  
18 driving permit, may not operate a vehicle unless it has  
19 been equipped with an ignition interlock device as defined  
20 in Section 1-129.1.

21 If a person's license or permit has been revoked or  
22 suspended 2 or more times within a 10 year period due to a  
23 single conviction of violating Section 11-501 of this Code  
24 or a similar provision of a local ordinance or a similar  
25 out-of-state offense, and a statutory summary suspension  
26 under Section 11-501.1, or 2 or more statutory summary  
27 suspensions, or combination of 2 offenses, or of an offense  
28 and a statutory summary suspension, arising out of separate  
29 occurrences, that person, if issued a restricted driving  
30 permit, may not operate a vehicle unless it has been  
31 equipped with an ignition interlock device as defined in  
32 Section 1-129.1. The person must pay to the Secretary of  
33 State DUI Administration Fund an amount not to exceed \$20  
34 per month. The Secretary shall establish by rule the amount  
35 and the procedures, terms, and conditions relating to these  
36 fees. If the restricted driving permit was issued for

1 employment purposes, then this provision does not apply to  
2 the operation of an occupational vehicle owned or leased by  
3 that person's employer. In each case the Secretary may  
4 issue a restricted driving permit for a period deemed  
5 appropriate, except that all permits shall expire within  
6 one year from the date of issuance. The Secretary may not,  
7 however, issue a restricted driving permit to any person  
8 whose current revocation is the result of a second or  
9 subsequent conviction for a violation of Section 11-501 of  
10 this Code or a similar provision of a local ordinance  
11 relating to the offense of operating or being in physical  
12 control of a motor vehicle while under the influence of  
13 alcohol, other drug or drugs, intoxicating compound or  
14 compounds, or any similar out-of-state offense, or any  
15 combination of those offenses, until the expiration of at  
16 least one year from the date of the revocation. A  
17 restricted driving permit issued under this Section shall  
18 be subject to cancellation, revocation, and suspension by  
19 the Secretary of State in like manner and for like cause as  
20 a driver's license issued under this Code may be cancelled,  
21 revoked, or suspended; except that a conviction upon one or  
22 more offenses against laws or ordinances regulating the  
23 movement of traffic shall be deemed sufficient cause for  
24 the revocation, suspension, or cancellation of a  
25 restricted driving permit. The Secretary of State may, as a  
26 condition to the issuance of a restricted driving permit,  
27 require the applicant to participate in a designated driver  
28 remedial or rehabilitative program. The Secretary of State  
29 is authorized to cancel a restricted driving permit if the  
30 permit holder does not successfully complete the program.

31 (c-5) The Secretary of State may, as a condition of the  
32 reissuance of a driver's license or permit to an applicant  
33 whose driver's license or permit has been suspended before he  
34 or she reached the age of 18 years pursuant to any of the  
35 provisions of this Section, require the applicant to  
36 participate in a driver remedial education course and be

1       retested under Section 6-109 of this Code.

2           (d) This Section is subject to the provisions of the  
3 Drivers License Compact.

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

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

13       (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;  
14 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.  
15 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04; 93-667, eff.  
16 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; revised  
17 10-22-04.)

18           (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

19       Sec. 6-206.1. Judicial Driving Permit. Declaration of  
20 Policy. It is hereby declared a policy of the State of Illinois  
21 that the driver who is impaired by alcohol, other drug or  
22 drugs, or intoxicating compound or compounds is a threat to the  
23 public safety and welfare. Therefore, to provide a deterrent to  
24 such practice and to remove problem drivers from the highway, a  
25 statutory summary driver's license suspension is appropriate.  
26 It is also recognized that driving is a privilege and  
27 therefore, that in some cases the granting of limited driving  
28 privileges, where consistent with public safety, is warranted  
29 during the period of suspension in the form of a judicial  
30 driving permit to drive for the purpose of employment,  
31 receiving drug treatment or medical care, and educational  
32 pursuits, where no alternative means of transportation is  
33 available.

34       The following procedures shall apply whenever a first  
35 offender is arrested for any offense as defined in Section

1 11-501 or a similar provision of a local ordinance:

2 (a) Subsequent to a notification of a statutory summary  
3 suspension of driving privileges as provided in Section  
4 11-501.1, the first offender as defined in Section 11-500 may  
5 petition the circuit court of venue for a Judicial Driving  
6 Permit, hereinafter referred as a JDP, to relieve undue  
7 hardship. The court may issue a court order, pursuant to the  
8 criteria contained in this Section, directing the Secretary of  
9 State to issue such a JDP to the petitioner. A JDP shall not  
10 become effective prior to the 31st day of the original  
11 statutory summary suspension and shall always be subject to the  
12 following criteria:

13 1. If ordered for the purposes of employment, the JDP  
14 shall be only for the purpose of providing the petitioner  
15 the privilege of driving a motor vehicle between the  
16 petitioner's residence and the petitioner's place of  
17 employment and return; or within the scope of the  
18 petitioner's employment related duties, shall be effective  
19 only during and limited to those specific times and routes  
20 actually required to commute or perform the petitioner's  
21 employment related duties.

22 2. The court, by a court order, may also direct the  
23 Secretary of State to issue a JDP to allow transportation  
24 for the petitioner, or a household member of the  
25 petitioner's family, to receive alcohol, drug, or  
26 intoxicating compound treatment or medical care, if the  
27 petitioner is able to demonstrate that no alternative means  
28 of transportation is reasonably available. Such JDP shall  
29 be effective only during the specific times actually  
30 required to commute.

31 3. The court, by a court order, may also direct the  
32 Secretary of State to issue a JDP to allow transportation  
33 by the petitioner for educational purposes upon  
34 demonstrating that there are no alternative means of  
35 transportation reasonably available to accomplish those  
36 educational purposes. Such JDP shall be only for the



1 purpose of providing transportation to and from the  
2 petitioner's residence and the petitioner's place of  
3 educational activity, and only during the specific times  
4 and routes actually required to commute or perform the  
5 petitioner's educational requirement.

6 4. The Court shall not issue an order granting a JDP  
7 to:

8 (i) Any person unless and until the court, after  
9 considering the results of a current professional  
10 evaluation of the person's alcohol or other drug use by  
11 an agency pursuant to Section 15-10 of the Alcoholism  
12 and Other Drug Abuse and Dependency Act and other  
13 appropriate investigation of the person, is satisfied  
14 that granting the privilege of driving a motor vehicle  
15 on the highways will not endanger the public safety or  
16 welfare.

17 (ii) Any person who has been convicted of reckless  
18 homicide within the previous 5 years.

19 (iii) Any person whose privilege to operate a motor  
20 vehicle was invalid at the time of arrest for the  
21 current violation of Section 11-501, or a similar  
22 provision of a local ordinance, except in cases where  
23 the cause for a driver's license suspension has been  
24 removed at the time a JDP is effective. In any case,  
25 should the Secretary of State enter a suspension or  
26 revocation of driving privileges pursuant to the  
27 provisions of this Code while the JDP is in effect or  
28 pending, the Secretary shall take the prescribed  
29 action and provide a notice to the person and the court  
30 ordering the issuance of the JDP that all driving  
31 privileges, including those provided by the issuance  
32 of the JDP, have been withdrawn.

33 (iv) Any person under the age of 18 years.

34 (v) Any person for the operation of a commercial  
35 motor vehicle if the person's CDL driving privileges  
36 have been suspended under any provision of this Code in

1           accordance with 49 C.F.R. Part 384.

2           (b) Prior to ordering the issuance of a JDP the Court  
3 should consider at least, but not be limited to, the following  
4 issues:

5           1. Whether the person is employed and no other means of  
6 commuting to the place of employment is available or that  
7 the person must drive as a condition of employment. The  
8 employer shall certify the hours of employment and the need  
9 and parameters necessary for driving as a condition to  
10 employment.

11           2. Whether the person must drive to secure alcohol or  
12 other medical treatment for himself or a family member.

13           3. Whether the person must drive for educational  
14 purposes. The educational institution shall certify the  
15 person's enrollment in and academic schedule at the  
16 institution.

17           4. Whether the person has been repeatedly convicted of  
18 traffic violations or involved in motor vehicle accidents  
19 to a degree which indicates disrespect for public safety.

20           5. Whether the person has been convicted of a traffic  
21 violation in connection with a traffic accident resulting  
22 in the death of any person within the last 5 years.

23           6. Whether the person is likely to obey the limited  
24 provisions of the JDP.

25           7. Whether the person has any additional traffic  
26 violations pending in any court.

27           For purposes of this Section, programs conducting  
28 professional evaluations of a person's alcohol, other drug, or  
29 intoxicating compound use must report, to the court of venue,  
30 using a form prescribed by the Secretary of State. A copy of  
31 such evaluations shall be sent to the Secretary of State by the  
32 court. However, the evaluation information shall be privileged  
33 and only available to courts and to the Secretary of State, but  
34 shall not be admissible in the subsequent trial on the  
35 underlying charge.

36           (c) The scope of any court order issued for a JDP under

1 this Section shall be limited to the operation of a motor  
2 vehicle as provided for in subsection (a) of this Section and  
3 shall specify the petitioner's residence, place of employment  
4 or location of educational institution, and the scope of job  
5 related duties, if relevant. The JDP shall also specify days of  
6 the week and specific hours of the day when the petitioner is  
7 able to exercise the limited privilege of operating a motor  
8 vehicle. If the Petitioner, who has been granted a JDP, is  
9 issued a citation for a traffic related offense, including  
10 operating a motor vehicle outside the limitations prescribed in  
11 the JDP or a violation of Section 6-303, or is convicted of any  
12 such an offense during the term of the JDP, the court shall  
13 consider cancellation of the limited driving permit. In any  
14 case, if the Petitioner commits an offense, as defined in  
15 Section 11-501, or a similar provision of a local ordinance, as  
16 evidenced by the issuance of a Uniform Traffic Ticket, the JDP  
17 shall be forwarded by the court of venue to the court ordering  
18 the issuance of the JDP, for cancellation. The court shall  
19 notify the Secretary of State of any such cancellation.

20 (d) The Secretary of State shall, upon receiving a court  
21 order from the court of venue, issue a JDP to a successful  
22 Petitioner under this Section. Such court order form shall also  
23 contain a notification, which shall be sent to the Secretary of  
24 State, providing the name, driver's license number and legal  
25 address of the successful petitioner, and the full and detailed  
26 description of the limitations of the JDP. This information  
27 shall be available only to the courts, police officers, and the  
28 Secretary of State, except during the actual period the JDP is  
29 valid, during which time it shall be a public record. The  
30 Secretary of State shall design and furnish to the courts an  
31 official court order form to be used by the courts when  
32 directing the Secretary of State to issue a JDP.

33 Any submitted court order that contains insufficient data  
34 or fails to comply with this Code shall not be utilized for JDP  
35 issuance or entered to the driver record but shall be returned  
36 to the issuing court indicating why the JDP cannot be so

1 entered. A notice of this action shall also be sent to the JDP  
2 petitioner by the Secretary of State.

3 (e) The circuit court of venue may conduct the judicial  
4 hearing, as provided in Section 2-118.1, and the JDP hearing  
5 provided in this Section, concurrently. Such concurrent  
6 hearing shall proceed in the court in the same manner as in  
7 other civil proceedings.

8 (f) The circuit court of venue may, as a condition of the  
9 issuance of a JDP, prohibit the person from operating a motor  
10 vehicle not equipped with an ignition interlock device.

11 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127,  
12 eff. 1-1-00.)

13 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

14 Sec. 6-500. Definitions of words and phrases.  
15 Notwithstanding the definitions set forth elsewhere in this  
16 Code, for purposes of the Uniform Commercial Driver's License  
17 Act (UCDLA), the words and phrases listed below have the  
18 meanings ascribed to them as follows:

19 (1) Alcohol. "Alcohol" means any substance containing any  
20 form of alcohol, including but not limited to ethanol,  
21 methanol, propanol, and isopropanol.

22 (2) Alcohol concentration. "Alcohol concentration" means:

23 (A) the number of grams of alcohol per 210 liters of  
24 breath; or

25 (B) the number of grams of alcohol per 100 milliliters  
26 of blood; or

27 (C) the number of grams of alcohol per 67 milliliters  
28 of urine.

29 Alcohol tests administered within 2 hours of the driver  
30 being "stopped or detained" shall be considered that driver's  
31 "alcohol concentration" for the purposes of enforcing this  
32 UCCLA.

33 (3) (Blank).

34 (4) (Blank).

35 (5) (Blank).

1 (6) Commercial Motor Vehicle.

2 (A) "Commercial motor vehicle" or "CMV" means a motor  
3 vehicle, except those referred to in subdivision (B),  
4 designed to transport passengers or property if:

5 (i) the vehicle has a GVWR of 26,001 pounds or more  
6 or such a lesser GVWR as subsequently determined by  
7 federal regulations or the Secretary of State; or any  
8 combination of vehicles with a GCWR of 26,001 pounds or  
9 more, provided the GVWR of any vehicle or vehicles  
10 being towed is 10,001 pounds or more; or

11 (ii) the vehicle is designed to transport 16 or  
12 more persons; or

13 (iii) the vehicle is transporting hazardous  
14 materials and is required to be placarded in accordance  
15 with 49 C.F.R. Part 172, subpart F.

16 (B) Pursuant to the interpretation of the Commercial  
17 Motor Vehicle Safety Act of 1986 by the Federal Highway  
18 Administration, the definition of "commercial motor  
19 vehicle" does not include:

20 (i) recreational vehicles, when operated primarily  
21 for personal use;

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

30 (iii) firefighting and other emergency equipment  
31 with audible and visual signals, owned or operated by  
32 or for a governmental entity, which is necessary to the  
33 preservation of life or property or the execution of  
34 emergency governmental functions which are normally  
35 not subject to general traffic rules and regulations.

36 (7) Controlled Substance. "Controlled substance" shall

1 have the same meaning as defined in Section 102 of the Illinois  
2 Controlled Substances Act, and shall also include cannabis as  
3 defined in Section 3 of the Cannabis Control Act.

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

15 (9) (Blank).

16 (10) (Blank).

17 (11) (Blank).

18 (12) (Blank).

19 (13) Driver. "Driver" means any person who drives,  
20 operates, or is in physical control of a commercial motor  
21 vehicle, any person ~~or~~ who is required to hold a CDL, or any  
22 person who is a holder of a CDL while operating a  
23 non-commercial motor vehicle.

24 (14) Employee. "Employee" means a person who is employed as  
25 a commercial motor vehicle driver. A person who is  
26 self-employed as a commercial motor vehicle driver must comply  
27 with the requirements of this UCCLA pertaining to employees. An  
28 owner-operator on a long-term lease shall be considered an  
29 employee.

30 (15) Employer. "Employer" means a person (including the  
31 United States, a State or a local authority) who owns or leases  
32 a commercial motor vehicle or assigns employees to operate such  
33 a vehicle. A person who is self-employed as a commercial motor  
34 vehicle driver must comply with the requirements of this UCCLA.

35 (16) (Blank).

36 (16.5) Fatality. "Fatality" means the death of a person as

1 a result of a motor vehicle accident.

2 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
3 sovereign jurisdiction that does not fall within the definition  
4 of "State".

5 (18) (Blank).

6 (19) (Blank).

7 (20) Hazardous Material. Upon a finding by the United  
8 States Secretary of Transportation, in his or her discretion,  
9 under 49 App. U.S.C. 5103(a), that the transportation of a  
10 particular quantity and form of material in commerce may pose  
11 an unreasonable risk to health and safety or property, he or  
12 she shall designate the quantity and form of material or group  
13 or class of the materials as a hazardous material. The  
14 materials so designated may include but are not limited to  
15 explosives, radioactive materials, etiologic agents, flammable  
16 liquids or solids, combustible liquids or solids, poisons,  
17 oxidizing or corrosive materials, and compressed gases.

18 (20.5) Imminent Hazard. "Imminent hazard" means the  
19 existence of a condition that presents a substantial likelihood  
20 that death, serious illness, severe personal injury, or a  
21 substantial endangerment to health, property, or the  
22 environment may occur before the reasonably foreseeable  
23 completion date of a formal proceeding begun to lessen the risk  
24 of that death, illness, injury or endangerment.

25 (21) Long-term lease. "Long-term lease" means a lease of a  
26 commercial motor vehicle by the owner-lessor to a lessee, for a  
27 period of more than 29 days.

28 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
29 which is self-propelled, and every vehicle which is propelled  
30 by electric power obtained from over head trolley wires but not  
31 operated upon rails, except vehicles moved solely by human  
32 power and motorized wheel chairs.

33 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
34 combination of motor vehicles not defined by the term  
35 "commercial motor vehicle" or "CMV" in this Section.

36 (23) Non-resident CDL. "Non-resident CDL" means a

1 commercial driver's license issued by a state under either of  
2 the following two conditions:

3 (i) to an individual domiciled in a foreign country  
4 meeting the requirements of Part 383.23(b) (1) of 49 C.F.R.  
5 of the Federal Motor Carrier Safety Administration.

6 (ii) to an individual domiciled in another state  
7 meeting the requirements of Part 383.23(b) (2) of 49 C.F.R.  
8 of the Federal Motor Carrier Safety Administration. ~~to an~~  
9 ~~individual who is domiciled in a foreign jurisdiction.~~

10 (24) (Blank).

11 (25) (Blank).

12 (25.5) Railroad-Highway Grade Crossing Violation.

13 "Railroad-highway grade crossing violation" means a violation,  
14 while operating a commercial motor vehicle, of any of the  
15 following:

16 (A) Section 11-1201, 11-1202, or 11-1425 of this  
17 Code.

18 (B) ~~(C) (D) (E) (F) (G) (H)~~ Any other similar law  
19 or local ordinance of any state relating to  
20 railroad-highway grade crossing. ~~(A) (G)~~

21 (25.7) School Bus. "School bus" means a commercial motor  
22 vehicle used to transport pre-primary, primary, or secondary  
23 school students from home to school, from school to home, or to  
24 and from school-sponsored events. "School bus" does not include  
25 a bus used as a common carrier.

26 (26) Serious Traffic Violation. "Serious traffic  
27 violation" means:

28 (A) a conviction when operating a commercial motor  
29 vehicle, or when operating a non-CMV while holding a CDL,  
30 of:

31 (i) a violation relating to excessive speeding,  
32 involving a single speeding charge of 15 miles per hour  
33 or more above the legal speed limit; or

34 (ii) a violation relating to reckless driving; or

35 (iii) a violation of any State law or local  
36 ordinance relating to motor vehicle traffic control



1 (other than parking violations) arising in connection  
2 with a fatal traffic accident; or

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

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

7 (vi) a violation relating to improper or erratic  
8 traffic lane changes; or

9 (vii) a violation relating to following another  
10 vehicle too closely; or

11 (B) any other similar violation of a law or local  
12 ordinance of any state relating to motor vehicle traffic  
13 control, other than a parking violation, which the  
14 Secretary of State determines by administrative rule to be  
15 serious.

16 (27) State. "State" means a state of the United States, the  
17 District of Columbia and any province or territory of Canada.

18 (28) (Blank).

19 (29) (Blank).

20 (30) (Blank).

21 (31) (Blank).

22 (Source: P.A. 92-249, eff. 1-1-02; 92-651, eff. 7-11-02;  
23 92-834, eff. 8-22-02; revised 8-26-02.)

24 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

25 Sec. 6-507. Commercial Driver's License (CDL) Required.

26 (a) Except as expressly permitted by this UCCLA, or when  
27 driving pursuant to the issuance of a commercial driver  
28 instruction permit and accompanied by the holder of a CDL valid  
29 for the vehicle being driven; no person shall drive a  
30 commercial motor vehicle on the highways without:

31 (1) a CDL in the driver's possession;

32 (2) having obtained a CDL; or

33 (3) the proper class of CDL or endorsements for the  
34 specific vehicle group being operated or for the passengers  
35 or type of cargo being transported. ~~unless the person has~~

1 ~~been issued, and is in the immediate possession of, a CDL~~  
2 ~~bearing all applicable endorsements valid for type or~~  
3 ~~classification of the commercial vehicle being driven.~~

4 (b) Except as otherwise provided by this Code, no person  
5 may drive a commercial motor vehicle on the highways while such  
6 person's driving privilege, license or permit is:

7 (1) Suspended, revoked, cancelled, or subject to  
8 disqualification. Any person convicted of violating this  
9 provision or a similar provision of this or any other state  
10 shall have their driving privileges revoked under  
11 paragraph 12 of subsection (a) of Section 6-205 of this  
12 Code.

13 (2) Subject to or in violation of an "out-of-service"  
14 order. Any person who has been issued a CDL and is  
15 convicted of violating this provision or a similar  
16 provision of any other state shall be disqualified from  
17 operating a commercial motor vehicle under subsection (i)  
18 of Section 6-514 of this Code.

19 (3) Subject to or in violation of an "out of service"  
20 order and while transporting passengers or hazardous  
21 materials. Any person who has been issued a CDL and is  
22 convicted of violating this provision or a similar  
23 provision of this or any other state shall be disqualified  
24 from operating a commercial motor vehicle under subsection  
25 (i) of Section 6-514 of this Code.

26 (c) Pursuant to the options provided to the States by FHWA  
27 Docket No. MC-88-8, the driver of any motor vehicle controlled  
28 or operated by or for a farmer is waived from the requirements  
29 of this Section, when such motor vehicle is being used to  
30 transport: agricultural products; implements of husbandry; or  
31 farm supplies; as long as such movement is not over 150 air  
32 miles from the originating farm. This waiver does not apply to  
33 the driver of any motor vehicle being used in a common or  
34 contract carrier type operation. However, for those drivers of  
35 any truck-tractor semitrailer combination or combinations  
36 registered under subsection (c) of Section 3-815 of this Code,

1 this waiver shall apply only when the driver is a farmer or a  
2 member of the farmer's family and the driver is 21 years of age  
3 or more and has successfully completed any tests the Secretary  
4 of State deems necessary.

5 In addition, the farmer or a member of the farmer's family  
6 who operates a truck-tractor semitrailer combination or  
7 combinations pursuant to this waiver shall be granted all of  
8 the rights and shall be subject to all of the duties and  
9 restrictions with respect to Sections 6-514 and 6-515 of this  
10 Code applicable to the driver who possesses a commercial  
11 driver's license issued under this Code, except that the driver  
12 shall not be subject to any additional duties or restrictions  
13 contained in Part 382 of the Federal Motor Carrier Safety  
14 Regulations that are not otherwise imposed under Section 6-514  
15 or 6-515 of this Code.

16 For purposes of this subsection (c), a member of the  
17 farmer's family is a natural or in-law spouse, child, parent,  
18 or sibling.

19 (c-5) An employee of a township or road district with a  
20 population of less than 3,000 operating a vehicle within the  
21 boundaries of the township or road district for the purpose of  
22 removing snow or ice from a roadway by plowing, sanding, or  
23 salting is waived from the requirements of this Section when  
24 the employee is needed to operate the vehicle because the  
25 employee of the township or road district who ordinarily  
26 operates the vehicle and who has a commercial driver's license  
27 is unable to operate the vehicle or is in need of additional  
28 assistance due to a snow emergency.

29 (d) Any person convicted of violating this Section, shall  
30 be guilty of a Class A misdemeanor.

31 (e) Any person convicted of violating paragraph (b) of this  
32 Section, shall have all driving privileges revoked by the  
33 Secretary of State.

34 (f) This Section shall not apply to:

35 (1) A person who currently holds a valid Illinois  
36 driver's license, for the type of vehicle being operated,

1 until the expiration of such license or April 1, 1992,  
2 whichever is earlier; or

3 (2) A non-Illinois domiciliary who is properly  
4 licensed in another State, until April 1, 1992. A  
5 non-Illinois domiciliary, if such domiciliary is properly  
6 licensed in another State or foreign jurisdiction, until  
7 April 1, 1992.

8 (Source: P.A. 89-245, eff. 1-1-96; 89-658, eff. 10-1-96;  
9 90-386, eff. 8-15-97; 90-655, eff. 7-30-98.)

10 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)  
11 Sec. 6-508. Commercial Driver's License (CDL) -  
12 qualification standards.

13 (a) Testing.

14 (1) General. No person shall be issued an original or  
15 renewal CDL unless that person is domiciled in this State.  
16 The Secretary shall cause to be administered such tests as  
17 the Secretary deems necessary to meet the requirements of  
18 49 C.F.R. Part 383, subparts G and H.

19 (2) Third party testing. The Secretary of state may  
20 authorize a "third party tester", pursuant to 49 C.F.R.  
21 Part 383.75, to administer the skills test or tests  
22 specified by Federal Highway Administration pursuant to  
23 the Commercial Motor Vehicle Safety Act of 1986 and any  
24 appropriate federal rule.

25 (b) Waiver of Skills Test. The Secretary of State may waive  
26 the skills test specified in this Section for a commercial  
27 driver license applicant who meets the requirements of 49  
28 C.F.R. Part 383.77 and Part 383.123.

29 (c) Limitations on issuance of a CDL. A CDL, or a  
30 commercial driver instruction permit, shall not be issued to a  
31 person while the person is subject to a disqualification from  
32 driving a commercial motor vehicle, or unless otherwise  
33 permitted by this Code, while the person's driver's license is  
34 suspended, revoked or cancelled in any state, or any territory  
35 or province of Canada; nor may a CDL be issued to a person who

1 has a CDL issued by any other state, or foreign jurisdiction,  
2 unless the person first surrenders all such licenses. No CDL  
3 shall be issued to or renewed for a person who does not meet  
4 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
5 met with the aid of a hearing aid.

6 (c-1) The Secretary may issue a CDL with a school bus  
7 driver endorsement to allow a person to drive the type of bus  
8 described in subsection (d-5) of Section 6-104 of this Code.  
9 The CDL with a school bus driver endorsement may be issued only  
10 to a person meeting the following requirements:

11 (1) the person has submitted his or her fingerprints to  
12 the Department of State Police in the form and manner  
13 prescribed by the Department of State Police. These  
14 fingerprints shall be checked against the fingerprint  
15 records now and hereafter filed in the Department of State  
16 Police and Federal Bureau of Investigation criminal  
17 history records databases ~~for fingerprint based criminal~~  
18 ~~background checks on current and future information~~  
19 ~~available in the state system and current information~~  
20 ~~available through the Federal Bureau of Investigation's~~  
21 ~~system;~~

22 (2) the person has passed a written test, administered  
23 by the Secretary of State, on charter bus operation,  
24 charter bus safety, and certain special traffic laws  
25 relating to school buses determined by the Secretary of  
26 State to be relevant to charter buses, and submitted to a  
27 review of the applicant's driving habits by the Secretary  
28 of State at the time the written test is given;

29 (3) the person has demonstrated physical fitness to  
30 operate school buses by submitting the results of a medical  
31 examination, including tests for drug use; and

32 (4) the person has not been convicted of committing or  
33 attempting to commit any one or more of the following  
34 offenses: (i) those offenses defined in Sections 9-1,  
35 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,  
36 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,

1 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
2 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,  
3 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,  
4 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
5 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,  
6 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,  
7 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and  
8 subsection (b), clause (1), of Section 12-4 of the Criminal  
9 Code of 1961; (ii) those offenses defined in the Cannabis  
10 Control Act except those offenses defined in subsections  
11 (a) and (b) of Section 4, and subsection (a) of Section 5  
12 of the Cannabis Control Act; (iii) those offenses defined  
13 in the Illinois Controlled Substances Act; (iv) any offense  
14 committed or attempted in any other state or against the  
15 laws of the United States, which if committed or attempted  
16 in this State would be punishable as one or more of the  
17 foregoing offenses; (v) the offenses defined in Sections  
18 4.1 and 5.1 of the Wrongs to Children Act and (vi) those  
19 offenses defined in Section 6-16 of the Liquor Control Act  
20 of 1934.

21 The Department of State Police shall charge a fee for  
22 conducting the criminal history records check, which shall be  
23 deposited into the State Police Services Fund and may not  
24 exceed the actual cost of the records check.

25 (c-2) The Secretary shall issue a CDL with a school bus  
26 endorsement to allow a person to drive a school bus as defined  
27 in this Section. The CDL shall be issued according to the  
28 requirements outlined in 49 C.F.R. 383. A person may not  
29 operate a school bus as defined in this Section without a  
30 school bus endorsement. The Secretary of State may adopt rules  
31 consistent with Federal guidelines to implement this  
32 subsection (c-2).

33 (d) Commercial driver instruction permit. A commercial  
34 driver instruction permit may be issued to any person holding a  
35 valid Illinois driver's license if such person successfully  
36 passes such tests as the Secretary determines to be necessary.

1 A commercial driver instruction permit shall not be issued to a  
2 person who does not meet the requirements of 49 CFR 391.41  
3 (b)(11), except for the renewal of a commercial driver  
4 instruction permit for a person who possesses a commercial  
5 instruction permit prior to the effective date of this  
6 amendatory Act of 1999.

7 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised  
8 11-29-04.)

9 (625 ILCS 5/6-509) (from Ch. 95 1/2, par. 6-509)

10 Sec. 6-509. Non-resident commercial driver's license.

11 (a) The Secretary of State may issue a non-resident CDL to  
12 a domiciliary of a foreign jurisdiction if the United States  
13 Secretary of Transportation has determined that the commercial  
14 motor vehicle testing and licensing standards, in that foreign  
15 jurisdiction, do not meet the testing standards established in  
16 49 C.F.R. Part 383. The Secretary of State may also issue a  
17 non-resident CDL to an individual domiciled in another state  
18 while that state is prohibited from issuing CDLs in accordance  
19 with 49 C.F.R. Part 384. A non-resident CDL shall be issued in  
20 accordance with the testing and licensing standards contained  
21 in subparts F, G, and H of 49 C.F.R. Part 383. The word  
22 "Non-resident" must appear on the face of the non-resident CDL.  
23 An applicant must surrender any non-resident CDL, license or  
24 permit issued by any other state.

25 (b) If an individual is domiciled in a state while that  
26 state is prohibited from issuing CDLs in accordance with 49  
27 C.F.R. Part 384.405, that individual is eligible to obtain a  
28 non-resident CDL from any state that elects to issue a  
29 non-resident CDL and which complies with the testing and  
30 licensing standards contained in subparts F, G, and H of 49  
31 C.F.R. Part 383.23.

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

33 (625 ILCS 5/6-510) (from Ch. 95 1/2, par. 6-510)

34 Sec. 6-510. Application for Commercial Driver's License

1 (CDL).

2 (a) The application for a CDL or commercial driver  
3 instruction permit, must include, but not necessarily be  
4 limited to, the following:

5 (1) the full legal name and current Illinois  
6 domiciliary address (unless the application is for a  
7 Non-resident CDL) of the applicant;

8 (2) a physical description of the applicant including  
9 sex, height, weight, color of eyes and hair color;

10 (3) date of birth;

11 (4) the applicant's social security number or other  
12 identifying number acceptable to the Secretary of State;

13 (5) the applicant's signature;

14 (6) certifications required by 49 C.F.R. Part 383.71;

15 ~~and~~

16 (6.1) the names of all states where the applicant has  
17 previously been licensed to drive any type of motor vehicle  
18 during the previous 10 years pursuant to 49 C.F.R. Part  
19 383; and

20 (7) any other information required by the Secretary of  
21 State.

22 (Source: P.A. 93-895, eff. 1-1-05.)

23 (625 ILCS 5/6-513) (from Ch. 95 1/2, par. 6-513)

24 Sec. 6-513. Commercial Driver's License or CDL. The content  
25 of the CDL shall include, but not necessarily be limited to the  
26 following:

27 (a) A CDL shall be distinctly marked "Commercial Driver's  
28 License" or "CDL". It must include, but not necessarily be  
29 limited to, the following information:

30 (1) the legal name and the Illinois domiciliary address  
31 (unless it is a Non-resident CDL) of the person to whom the  
32 CDL is issued;

33 (2) the person's color photograph;

34 (3) a physical description of the person including sex,  
35 height, and may include weight, color of eyes and hair



- 1 color;
- 2 (4) date of birth;
- 3 (5) a CDL or file number assigned by the Secretary of  
4 State;
- 5 (6) it also may include the applicant's Social Security  
6 Number pursuant to Section 6-106;
- 7 (7) the person's signature;
- 8 (8) the class or type of commercial vehicle or vehicles  
9 which the person is authorized to drive together with any  
10 endorsements or restrictions;
- 11 (9) the name of the issuing state; and
- 12 (10) the issuance and expiration dates of the CDL.

13 (b) Applicant Record Check.

14 Prior to the issuance of a CDL, the Secretary of State  
15 shall obtain and review the applicant's driving record as  
16 required by 49 C.F.R. Part 383 ~~the CMVSA~~ and the United States  
17 Secretary of Transportation.

18 (c) Notification of Commercial Driver's License (CDL)  
19 Issuance.

20 Within 10 days after issuing a CDL, the Secretary of State  
21 must notify the Commercial Driver License Information System of  
22 that fact, and provide all information required to ensure  
23 identification of the person.

24 (d) Renewal.

25 Every person applying for a renewal of a CDL must complete  
26 the appropriate application form required by this Code and any  
27 other test deemed necessary by the Secretary.

28 (Source: P.A. 93-895, eff. 1-1-05.)

29 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

30 Sec. 6-514. Commercial Driver's License (CDL) -  
31 Disqualifications.

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

35 (1) Refusing to submit to or failure to complete a test

1 or tests to determine the driver's blood concentration of  
2 alcohol, other drug, or both, while driving a commercial  
3 motor vehicle or, if the driver is a CDL holder, while  
4 driving a non-CMV; or

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

14 (3) Conviction for a first violation of:

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

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

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

27 (iv) Driving a commercial motor vehicle if, as a  
28 result of prior violations committed while operating a  
29 commercial motor vehicle, the driver's CDL is revoked,  
30 suspended, or cancelled or the driver is disqualified  
31 from operating a commercial motor vehicle; or

32 (v) Causing a fatality through the negligent  
33 operation of a commercial motor vehicle, including but  
34 not limited to the crimes of reckless driving under  
35 Section 9-3 of the Criminal Code of 1961 and aggravated  
36 driving under the influence of alcohol, other drug or

1           drugs, intoxicating compound or compounds, or any  
2           combination thereof under subdivision (d)(1)(F) of  
3           Section 11-501 of this Code.

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

8           (b) A person is disqualified for life for a second  
9           conviction of any of the offenses specified in paragraph (a),  
10          or any combination of those offenses, arising from 2 or more  
11          separate incidents.

12          (c) A person is disqualified from driving a commercial  
13          motor vehicle for life if the person either (i) ~~who~~ uses a  
14          commercial motor vehicle in the commission of any felony  
15          involving the manufacture, distribution, or dispensing of a  
16          controlled substance, or possession with intent to  
17          manufacture, distribute or dispense a controlled substance or  
18          (ii) if the person is a CDL holder, uses a non-CMV in the  
19          commission of a felony involving any of those activities.

20          (d) The Secretary of State may, when the United States  
21          Secretary of Transportation so authorizes, issue regulations  
22          in which a disqualification for life under paragraph (b) may be  
23          reduced to a period of not less than 10 years. If a reinstated  
24          driver is subsequently convicted of another disqualifying  
25          offense, as specified in subsection (a) of this Section, he or  
26          she shall be permanently disqualified for life and shall be  
27          ineligible to again apply for a reduction of the lifetime  
28          disqualification.

29          (e) A person is disqualified from driving a commercial  
30          motor vehicle for a period of not less than 2 months if  
31          convicted of 2 serious traffic violations, committed in a  
32          commercial motor vehicle, arising from separate incidents,  
33          occurring within a 3 year period. However, a person will be  
34          disqualified from driving a commercial motor vehicle for a  
35          period of not less than 4 months if convicted of 3 serious  
36          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  
27 notification to such issuing jurisdiction within 10 days.

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

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

34 (1) For 6 months upon a first conviction of paragraph

35 (2) of subsection (b) of Section 6-507 of this Code.

36 (2) For one year upon a second conviction of paragraph

1 (2) of subsection (b) of Section 6-507 of this Code within  
2 a 10-year period.

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

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

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

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

14 (j) Disqualification for railroad-highway grade crossing  
15 violation.

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

24 (i) For drivers who are not required to always  
25 stop, failing to slow down and check that the tracks  
26 are clear of an approaching train, as described in  
27 subsection (a-5) of Section 11-1201 of this Code;

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

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

35 (iv) For all drivers, failing to have sufficient  
36 space to drive completely through the crossing without

1 stopping, as described in subsection (b) of Section  
2 11-1425 of this Code;

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

7 (vi) For all drivers, failing to negotiate a  
8 crossing because of insufficient undercarriage  
9 clearance, as described in subsection (d-1) of Section  
10 11-1201 of this Code.

11 (2) Duration of disqualification for railroad-highway  
12 grade crossing violation.

13 (i) First violation. A driver must be disqualified  
14 from operating a commercial motor vehicle for not less  
15 than 60 days if the driver is convicted of a violation  
16 described in paragraph (1) of this subsection (j) and,  
17 in the three-year period preceding the conviction, the  
18 driver had no convictions for a violation described in  
19 paragraph (1) of this subsection (j).

20 (ii) Second violation. A driver must be  
21 disqualified from operating a commercial motor vehicle  
22 for not less than 120 days if the driver is convicted  
23 of a violation described in paragraph (1) of this  
24 subsection (j) and, in the three-year period preceding  
25 the conviction, the driver had one other conviction for  
26 a violation described in paragraph (1) of this  
27 subsection (j) that was committed in a separate  
28 incident.

29 (iii) Third or subsequent violation. A driver must  
30 be disqualified from operating a commercial motor  
31 vehicle for not less than one year if the driver is  
32 convicted of a violation described in paragraph (1) of  
33 this subsection (j) and, in the three-year period  
34 preceding the conviction, the driver had 2 or more  
35 other convictions for violations described in  
36 paragraph (1) of this subsection (j) that were

1 committed in separate incidents.

2 (k) Upon notification of a disqualification of a driver's  
3 commercial motor vehicle privileges imposed by the U.S.  
4 Department of Transportation, Federal Motor Carrier Safety  
5 Administration, in accordance with 49 C.F.R. 383.52, the  
6 Secretary of State shall immediately record to the driving  
7 record the notice of disqualification and confirm to the driver  
8 the action that has been taken.

9 (Source: P.A. 92-249, eff. 1-1-02; 92-834, eff. 8-22-02.)

10 (625 ILCS 5/6-518) (from Ch. 95 1/2, par. 6-518)

11 Sec. 6-518. Notification of Traffic Convictions.

12 (a) Within 10 days after receiving a report of an Illinois  
13 conviction, or other verified evidence, of any driver who has  
14 been issued a CDL by another State, for a violation of any law  
15 or local ordinance of this State, relating to motor vehicle  
16 traffic control, other than parking violations, committed in  
17 any a commercial motor vehicle, the Secretary of State must  
18 notify the driver licensing authority which issued such CDL of  
19 said conviction.

20 (b) Within 10 days after receiving a report of an Illinois  
21 conviction, or other verified evidence, of any driver from  
22 another state, for a violation of any law or local ordinance of  
23 this State, relating to motor vehicle traffic control, other  
24 than parking violations, committed in a commercial motor  
25 vehicle, the Secretary of State must notify the driver  
26 licensing authority which issued the person's driver's license  
27 of the conviction.

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

29 (625 ILCS 5/6-523) (from Ch. 95 1/2, par. 6-523)

30 Sec. 6-523. Reciprocity.

31 (a) Notwithstanding any law to the contrary, a person may  
32 drive a commercial motor vehicle in this State if such person  
33 has a valid commercial driver's license or CDL instruction  
34 permit issued by another State or foreign jurisdiction as long

1 as such person has not been an established domiciliary of this  
2 State for 30 days or more.

3 (b) The Secretary of State shall give out of state  
4 convictions full faith and credit and treat them for  
5 sanctioning purposes, under this UCDLA, just as if they  
6 occurred in this State.

7 (c) A CDL issued by this State or any other state before  
8 the date on and after which the state is prohibited from  
9 issuing CDLs under 49 C.F.R. Part 384, remains valid until its  
10 stated expiration date.

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

12 (625 ILCS 5/7-702.1)

13 Sec. 7-702.1. Family financial responsibility driving  
14 permits. Following the entry of an order that an obligor has  
15 been found in contempt by the court  
16 for failure to pay court ordered child support payments or upon  
17 a motion by the obligor who is subject to having his or her  
18 driver's license suspended pursuant to subsection (b) of  
19 Section 7-703, the court may enter an order directing the  
20 Secretary of State to issue a family financial responsibility  
21 driving permit for the purpose of providing the obligor the  
22 privilege of operating a motor vehicle between the obligor's  
23 residence and place of employment, or within the scope of  
24 employment related duties; or for the purpose of providing  
25 transportation for the obligor or a household member to receive  
26 alcohol treatment, other drug treatment, or medical care. The  
27 court may enter an order directing the issuance of a permit  
28 only if the obligor has proven to the satisfaction of the court  
29 that no alternative means of transportation are reasonably  
30 available for the above stated purposes. No permit shall be  
31 issued to a person under the age of 16 years who possesses an  
32 instruction permit. In accordance with 49 C.F.R. Part 384, the  
33 Secretary of State may not issue a family financial  
34 responsibility driving permit to any person for the operation  
35 of a commercial motor vehicle if the person's driving



1 privileges have been suspended under any provisions of this  
2 Code.

3       Upon entry of an order granting the issuance of a permit to  
4 an obligor, the court shall report this finding to the  
5 Secretary of State on a form prescribed by the Secretary. This  
6 form shall state whether the permit has been granted for  
7 employment or medical purposes and the specific days and hours  
8 for which limited driving privileges have been granted.

9       The family financial responsibility driving permit shall  
10 be subject to cancellation, invalidation, suspension, and  
11 revocation by the Secretary of State in the same manner and for  
12 the same reasons as a driver's license may be cancelled,  
13 invalidated, suspended, or revoked.

14       The Secretary of State shall, upon receipt of a certified  
15 court order from the court of jurisdiction, issue a family  
16 financial responsibility driving permit. In order for this  
17 permit to be issued, an individual's driving privileges must be  
18 valid except for the family financial responsibility  
19 suspension. This permit shall be valid only for employment and  
20 medical purposes as set forth above. The permit shall state the  
21 days and hours for which limited driving privileges have been  
22 granted.

23       Any submitted court order that contains insufficient data  
24 or fails to comply with any provision of this Code shall not be  
25 used for issuance of the permit or entered to the individual's  
26 driving record but shall be returned to the court of  
27 jurisdiction indicating why the permit cannot be issued at that  
28 time. The Secretary of State shall also send notice of the  
29 return of the court order to the individual requesting the  
30 permit.

31 (Source: P.A. 90-369, eff. 1-1-98; 91-613, eff. 7-1-00.)

32 (625 ILCS 5/11-501.8)

33 Sec. 11-501.8. Suspension of driver's license; persons  
34 under age 21.

35 (a) A person who is less than 21 years of age and who

1 drives or is in actual physical control of a motor vehicle upon  
2 the public highways of this State shall be deemed to have given  
3 consent to a chemical test or tests of blood, breath, or urine  
4 for the purpose of determining the alcohol content of the  
5 person's blood if arrested, as evidenced by the issuance of a  
6 Uniform Traffic Ticket for any violation of the Illinois  
7 Vehicle Code or a similar provision of a local ordinance, if a  
8 police officer has probable cause to believe that the driver  
9 has consumed any amount of an alcoholic beverage based upon  
10 evidence of the driver's physical condition or other first hand  
11 knowledge of the police officer. The test or tests shall be  
12 administered at the direction of the arresting officer. The law  
13 enforcement agency employing the officer shall designate which  
14 of the aforesaid tests shall be administered. A urine test may  
15 be administered even after a blood or breath test or both has  
16 been administered.

17 (b) A person who is dead, unconscious, or who is otherwise  
18 in a condition rendering that person incapable of refusal,  
19 shall be deemed not to have withdrawn the consent provided by  
20 paragraph (a) of this Section and the test or tests may be  
21 administered subject to the following provisions:

22 (i) Chemical analysis of the person's blood, urine,  
23 breath, or other bodily substance, to be considered valid  
24 under the provisions of this Section, shall have been  
25 performed according to standards promulgated by the  
26 Department of State Police by an individual possessing a  
27 valid permit issued by that Department for this purpose.  
28 The Director of State Police is authorized to approve  
29 satisfactory techniques or methods, to ascertain the  
30 qualifications and competence of individuals to conduct  
31 analyses, to issue permits that shall be subject to  
32 termination or revocation at the direction of that  
33 Department, and to certify the accuracy of breath testing  
34 equipment. The Department of State Police shall prescribe  
35 regulations as necessary.

36 (ii) When a person submits to a blood test at the

1 request of a law enforcement officer under the provisions  
2 of this Section, only a physician authorized to practice  
3 medicine, a registered nurse, or other qualified person  
4 trained in venipuncture and acting under the direction of a  
5 licensed physician may withdraw blood for the purpose of  
6 determining the alcohol content therein. This limitation  
7 does not apply to the taking of breath or urine specimens.

8 (iii) The person tested may have a physician, qualified  
9 technician, chemist, registered nurse, or other qualified  
10 person of his or her own choosing administer a chemical  
11 test or tests in addition to any test or tests administered  
12 at the direction of a law enforcement officer. The failure  
13 or inability to obtain an additional test by a person shall  
14 not preclude the consideration of the previously performed  
15 chemical test.

16 (iv) Upon a request of the person who submits to a  
17 chemical test or tests at the request of a law enforcement  
18 officer, full information concerning the test or tests  
19 shall be made available to the person or that person's  
20 attorney.

21 (v) Alcohol concentration means either grams of  
22 alcohol per 100 milliliters of blood or grams of alcohol  
23 per 210 liters of breath.

24 (vi) If a driver is receiving medical treatment as a  
25 result of a motor vehicle accident, a physician licensed to  
26 practice medicine, registered nurse, or other qualified  
27 person trained in venipuncture and acting under the  
28 direction of a licensed physician shall withdraw blood for  
29 testing purposes to ascertain the presence of alcohol upon  
30 the specific request of a law enforcement officer. However,  
31 that testing shall not be performed until, in the opinion  
32 of the medical personnel on scene, the withdrawal can be  
33 made without interfering with or endangering the  
34 well-being of the patient.

35 (c) A person requested to submit to a test as provided  
36 above shall be warned by the law enforcement officer requesting

1 the test that a refusal to submit to the test, or submission to  
2 the test resulting in an alcohol concentration of more than  
3 0.00, may result in the loss of that person's privilege to  
4 operate a motor vehicle. The loss of driving privileges shall  
5 be imposed in accordance with Section 6-208.2 of this Code.

6 (d) If the person refuses testing or submits to a test that  
7 discloses an alcohol concentration of more than 0.00, the law  
8 enforcement officer shall immediately submit a sworn report to  
9 the Secretary of State on a form prescribed by the Secretary of  
10 State, certifying that the test or tests were requested under  
11 subsection (a) and the person refused to submit to a test or  
12 tests or submitted to testing which disclosed an alcohol  
13 concentration of more than 0.00. The law enforcement officer  
14 shall submit the same sworn report when a person under the age  
15 of 21 submits to testing under Section 11-501.1 of this Code  
16 and the testing discloses an alcohol concentration of more than  
17 0.00 and less than 0.08.

18 Upon receipt of the sworn report of a law enforcement  
19 officer, the Secretary of State shall enter the driver's  
20 license sanction on the individual's driving record and the  
21 sanctions shall be effective on the 46th day following the date  
22 notice of the sanction was given to the person. If this  
23 sanction is the individual's first driver's license suspension  
24 under this Section, reports received by the Secretary of State  
25 under this Section shall, except during the time the suspension  
26 is in effect, be privileged information and for use only by the  
27 courts, police officers, prosecuting authorities, the  
28 Secretary of State, or the individual personally.

29 The law enforcement officer submitting the sworn report  
30 shall serve immediate notice of this driver's license sanction  
31 on the person and the sanction shall be effective on the 46th  
32 day following the date notice was given.

33 In cases where the blood alcohol concentration of more than  
34 0.00 is established by a subsequent analysis of blood or urine,  
35 the police officer or arresting agency shall give notice as  
36 provided in this Section or by deposit in the United States

1 mail of that notice in an envelope with postage prepaid and  
2 addressed to that person at his last known address and the loss  
3 of driving privileges shall be effective on the 46th day  
4 following the date notice was given.

5       Upon receipt of the sworn report of a law enforcement  
6 officer, the Secretary of State shall also give notice of the  
7 driver's license sanction to the driver by mailing a notice of  
8 the effective date of the sanction to the individual. However,  
9 should the sworn report be defective by not containing  
10 sufficient information or be completed in error, the notice of  
11 the driver's license sanction may not be mailed to the person  
12 or entered to the driving record, but rather the sworn report  
13 shall be returned to the issuing law enforcement agency.

14       (e) A driver may contest this driver's license sanction by  
15 requesting an administrative hearing with the Secretary of  
16 State in accordance with Section 2-118 of this Code. An  
17 individual whose blood alcohol concentration is shown to be  
18 more than 0.00 is not subject to this Section if he or she  
19 consumed alcohol in the performance of a religious service or  
20 ceremony. An individual whose blood alcohol concentration is  
21 shown to be more than 0.00 shall not be subject to this Section  
22 if the individual's blood alcohol concentration resulted only  
23 from ingestion of the prescribed or recommended dosage of  
24 medicine that contained alcohol. The petition for that hearing  
25 shall not stay or delay the effective date of the impending  
26 suspension. The scope of this hearing shall be limited to the  
27 issues of:

28           (1) whether the police officer had probable cause to  
29 believe that the person was driving or in actual physical  
30 control of a motor vehicle upon the public highways of the  
31 State and the police officer had reason to believe that the  
32 person was in violation of any provision of the Illinois  
33 Vehicle Code or a similar provision of a local ordinance;  
34 and

35           (2) whether the person was issued a Uniform Traffic  
36 Ticket for any violation of the Illinois Vehicle Code or a

1 similar provision of a local ordinance; and

2 (3) whether the police officer had probable cause to  
3 believe that the driver had consumed any amount of an  
4 alcoholic beverage based upon the driver's physical  
5 actions or other first-hand knowledge of the police  
6 officer; and

7 (4) whether the person, after being advised by the  
8 officer that the privilege to operate a motor vehicle would  
9 be suspended if the person refused to submit to and  
10 complete the test or tests, did refuse to submit to or  
11 complete the test or tests to determine the person's  
12 alcohol concentration; and

13 (5) whether the person, after being advised by the  
14 officer that the privileges to operate a motor vehicle  
15 would be suspended if the person submits to a chemical test  
16 or tests and the test or tests disclose an alcohol  
17 concentration of more than 0.00, did submit to and complete  
18 the test or tests that determined an alcohol concentration  
19 of more than 0.00; and

20 (6) whether the test result of an alcohol concentration  
21 of more than 0.00 was based upon the person's consumption  
22 of alcohol in the performance of a religious service or  
23 ceremony; and

24 (7) whether the test result of an alcohol concentration  
25 of more than 0.00 was based upon the person's consumption  
26 of alcohol through ingestion of the prescribed or  
27 recommended dosage of medicine.

28 Provided that the petitioner may subpoena the officer, the  
29 hearing may be conducted upon a review of the law enforcement  
30 officer's own official reports. Failure of the officer to  
31 answer the subpoena shall be grounds for a continuance if, in  
32 the hearing officer's discretion, the continuance is  
33 appropriate. At the conclusion of the hearing held under  
34 Section 2-118 of this Code, the Secretary of State may rescind,  
35 continue, or modify the driver's license sanction. If the  
36 Secretary of State does not rescind the sanction, a restricted

1 driving permit may be granted by the Secretary of State upon  
2 application being made and good cause shown. A restricted  
3 driving permit may be granted to relieve undue hardship by  
4 allowing driving for employment, educational, and medical  
5 purposes as outlined in item (3) of part (c) of Section 6-206  
6 of this Code. The provisions of item (3) of part (c) of Section  
7 6-206 of this Code and of subsection (f) of that Section shall  
8 apply. The Secretary of State shall promulgate rules providing  
9 for participation in an alcohol education and awareness program  
10 or activity, a drug education and awareness program or  
11 activity, or both as a condition to the issuance of a  
12 restricted driving permit for suspensions imposed under this  
13 Section.

14 (f) The results of any chemical testing performed in  
15 accordance with subsection (a) of this Section are not  
16 admissible in any civil or criminal proceeding, except that the  
17 results of the testing may be considered at a hearing held  
18 under Section 2-118 of this Code. However, the results of the  
19 testing may not be used to impose driver's license sanctions  
20 under Section 11-501.1 of this Code. A law enforcement officer  
21 may, however, pursue a statutory summary suspension of driving  
22 privileges under Section 11-501.1 of this Code if other  
23 physical evidence or first hand knowledge forms the basis of  
24 that suspension.

25 (g) This Section applies only to drivers who are under age  
26 21 at the time of the issuance of a Uniform Traffic Ticket for  
27 a violation of the Illinois Vehicle Code or a similar provision  
28 of a local ordinance, and a chemical test request is made under  
29 this Section.

30 (h) The action of the Secretary of State in suspending,  
31 revoking, or denying any license, permit, registration, or  
32 certificate of title shall be subject to judicial review in the  
33 Circuit Court of Sangamon County or in the Circuit Court of  
34 Cook County, and the provisions of the Administrative Review  
35 Law and its rules are hereby adopted and shall apply to and  
36 govern every action for the judicial review of final acts or

1 decisions of the Secretary of State under this Section.

2 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99; 91-828,  
3 eff. 1-1-01.)

4 Section 99. Effective date. This Act takes effect September  
5 30, 2005.