

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 UCDLA.

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.