



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0172

Introduced 1/31/2007, by Sen. John J. Cullerton - Antonio Munoz - Martin A. Sandoval - Mattie Hunter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code, School Code, Child Passenger Protection Act, and Unified Code of Corrections. Makes various changes regarding: driver education requirements; graduated driver's licenses; instruction permits for minors; curfews for drivers under a specified age; the number of passengers under a specified age allowed in a vehicle driven by a newly licensed driver under a certain age; the use of seat safety belts; the use of wireless telephones by graduated driver's license holders; suspensions of driver's licenses of drivers under age 21 under specified circumstances; required appearances before the presiding judge with a parent or guardian under specified circumstances; vehicle impoundment for drivers arrested for street racing; and other matters. Repeals provisions creating the offense of drag racing. Creates the offenses of street racing and aggravated street racing, and makes conforming changes. Makes other changes. Effective January 1, 2008, except that the provisions amending the School Code are effective July 1, 2008.

LRB095 05286 DRH 26711 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The School Code is amended by changing Section
5 27-24.3 as follows:

6 (105 ILCS 5/27-24.3) (from Ch. 122, par. 27-24.3)

7 Sec. 27-24.3. Reimbursement. In order for the school
8 district to receive reimbursement from the State as hereinafter
9 provided, the driver education course offered in its schools
10 shall consist of at least 30 clock hours of classroom
11 instruction and, subject to modification as hereinafter
12 allowed, at least 6 clock hours of practice driving in a car
13 having dual operating controls under direct individual
14 instruction. ~~The State Board may allow, in lieu of not more~~
15 ~~than 5 clock hours of practice driving in a dual control car,~~
16 ~~such practice driving instruction as it determines is the~~
17 ~~equivalent of such practice driving in a dual control car.~~

18 ~~School districts may adopt a policy to permit proficiency~~
19 ~~examinations for the practice driving part of the driver~~
20 ~~education course at any time after the completion of 3 hours of~~
21 ~~practice driving under direct individual instruction.~~

22 (Source: P.A. 83-243.)

1 Section 10. The Illinois Vehicle Code is amended by
2 changing Sections 4-203, 6-103, 6-106.2, 6-106.3, 6-106.4,
3 6-107, 6-107.1, 6-110, 6-113, 6-204, 6-205, 6-206, 6-306.3,
4 6-306.4, 12-603.1, 12-610.1, and 16-107 and adding Section
5 11-506 as follows:

6 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

7 Sec. 4-203. Removal of motor vehicles or other vehicles;
8 Towing or hauling away.

9 (a) When a vehicle is abandoned, or left unattended, on a
10 toll highway, interstate highway, or expressway for 2 hours or
11 more, its removal by a towing service may be authorized by a
12 law enforcement agency having jurisdiction.

13 (b) When a vehicle is abandoned on a highway in an urban
14 district 10 hours or more, its removal by a towing service may
15 be authorized by a law enforcement agency having jurisdiction.

16 (c) When a vehicle is abandoned or left unattended on a
17 highway other than a toll highway, interstate highway, or
18 expressway, outside of an urban district for 24 hours or more,
19 its removal by a towing service may be authorized by a law
20 enforcement agency having jurisdiction.

21 (d) When an abandoned, unattended, wrecked, burned or
22 partially dismantled vehicle is creating a traffic hazard
23 because of its position in relation to the highway or its
24 physical appearance is causing the impeding of traffic, its
25 immediate removal from the highway or private property adjacent

1 to the highway by a towing service may be authorized by a law
2 enforcement agency having jurisdiction.

3 (e) Whenever a peace officer reasonably believes that a
4 person under arrest for a violation of Section 11-501 of this
5 Code or a similar provision of a local ordinance is likely,
6 upon release, to commit a subsequent violation of Section
7 11-501, or a similar provision of a local ordinance, the
8 arresting officer shall have the vehicle which the person was
9 operating at the time of the arrest impounded for a period of
10 not more than 12 hours after the time of arrest. However, such
11 vehicle may be released by the arresting law enforcement agency
12 prior to the end of the impoundment period if:

13 (1) the vehicle was not owned by the person under
14 arrest, and the lawful owner requesting such release
15 possesses a valid operator's license, proof of ownership,
16 and would not, as determined by the arresting law
17 enforcement agency, indicate a lack of ability to operate a
18 motor vehicle in a safe manner, or who would otherwise, by
19 operating such motor vehicle, be in violation of this Code;
20 or

21 (2) the vehicle is owned by the person under arrest,
22 and the person under arrest gives permission to another
23 person to operate such vehicle, provided however, that the
24 other person possesses a valid operator's license and would
25 not, as determined by the arresting law enforcement agency,
26 indicate a lack of ability to operate a motor vehicle in a

1 safe manner or who would otherwise, by operating such motor
2 vehicle, be in violation of this Code.

3 (e-5) Whenever a registered owner of a vehicle is taken
4 into custody for operating the vehicle in violation of Section
5 11-501 of this Code or a similar provision of a local ordinance
6 or Section 6-303 of this Code, a law enforcement officer may
7 have the vehicle immediately impounded for a period not less
8 than:

9 (1) 24 hours for a second violation of Section 11-501
10 of this Code or a similar provision of a local ordinance or
11 Section 6-303 of this Code or a combination of these
12 offenses; or

13 (2) 48 hours for a third violation of Section 11-501 of
14 this Code or a similar provision of a local ordinance or
15 Section 6-303 of this Code or a combination of these
16 offenses.

17 The vehicle may be released sooner if the vehicle is owned
18 by the person under arrest and the person under arrest gives
19 permission to another person to operate the vehicle and that
20 other person possesses a valid operator's license and would
21 not, as determined by the arresting law enforcement agency,
22 indicate a lack of ability to operate a motor vehicle in a safe
23 manner or would otherwise, by operating the motor vehicle, be
24 in violation of this Code.

25 (f) Except as provided in Chapter 18a of this Code, the
26 owner or lessor of privately owned real property within this

1 State, or any person authorized by such owner or lessor, or any
2 law enforcement agency in the case of publicly owned real
3 property may cause any motor vehicle abandoned or left
4 unattended upon such property without permission to be removed
5 by a towing service without liability for the costs of removal,
6 transportation or storage or damage caused by such removal,
7 transportation or storage. The towing or removal of any vehicle
8 from private property without the consent of the registered
9 owner or other legally authorized person in control of the
10 vehicle is subject to compliance with the following conditions
11 and restrictions:

12 1. Any towed or removed vehicle must be stored at the
13 site of the towing service's place of business. The site
14 must be open during business hours, and for the purpose of
15 redemption of vehicles, during the time that the person or
16 firm towing such vehicle is open for towing purposes.

17 2. The towing service shall within 30 minutes of
18 completion of such towing or removal, notify the law
19 enforcement agency having jurisdiction of such towing or
20 removal, and the make, model, color and license plate
21 number of the vehicle, and shall obtain and record the name
22 of the person at the law enforcement agency to whom such
23 information was reported.

24 3. If the registered owner or legally authorized person
25 entitled to possession of the vehicle shall arrive at the
26 scene prior to actual removal or towing of the vehicle, the

1 vehicle shall be disconnected from the tow truck and that
2 person shall be allowed to remove the vehicle without
3 interference, upon the payment of a reasonable service fee
4 of not more than one half the posted rate of the towing
5 service as provided in paragraph 6 of this subsection, for
6 which a receipt shall be given.

7 4. The rebate or payment of money or any other valuable
8 consideration from the towing service or its owners,
9 managers or employees to the owners or operators of the
10 premises from which the vehicles are towed or removed, for
11 the privilege of removing or towing those vehicles, is
12 prohibited. Any individual who violates this paragraph
13 shall be guilty of a Class A misdemeanor.

14 5. Except for property appurtenant to and obviously a
15 part of a single family residence, and except for instances
16 where notice is personally given to the owner or other
17 legally authorized person in control of the vehicle that
18 the area in which that vehicle is parked is reserved or
19 otherwise unavailable to unauthorized vehicles and they
20 are subject to being removed at the owner or operator's
21 expense, any property owner or lessor, prior to towing or
22 removing any vehicle from private property without the
23 consent of the owner or other legally authorized person in
24 control of that vehicle, must post a notice meeting the
25 following requirements:

26 a. Except as otherwise provided in subparagraph

1 a.1 of this subdivision (f)5, the notice must be
2 prominently placed at each driveway access or curb cut
3 allowing vehicular access to the property within 5 feet
4 from the public right-of-way line. If there are no
5 curbs or access barriers, the sign must be posted not
6 less than one sign each 100 feet of lot frontage.

7 a.1. In a municipality with a population of less
8 than 250,000, as an alternative to the requirement of
9 subparagraph a of this subdivision (f)5, the notice for
10 a parking lot contained within property used solely for
11 a 2-family, 3-family, or 4-family residence may be
12 prominently placed at the perimeter of the parking lot,
13 in a position where the notice is visible to the
14 occupants of vehicles entering the lot.

15 b. The notice must indicate clearly, in not less
16 than 2 inch high light-reflective letters on a
17 contrasting background, that unauthorized vehicles
18 will be towed away at the owner's expense.

19 c. The notice must also provide the name and
20 current telephone number of the towing service towing
21 or removing the vehicle.

22 d. The sign structure containing the required
23 notices must be permanently installed with the bottom
24 of the sign not less than 4 feet above ground level,
25 and must be continuously maintained on the property for
26 not less than 24 hours prior to the towing or removing

1 of any vehicle.

2 6. Any towing service that tows or removes vehicles and
3 proposes to require the owner, operator, or person in
4 control of the vehicle to pay the costs of towing and
5 storage prior to redemption of the vehicle must file and
6 keep on record with the local law enforcement agency a
7 complete copy of the current rates to be charged for such
8 services, and post at the storage site an identical rate
9 schedule and any written contracts with property owners,
10 lessors, or persons in control of property which authorize
11 them to remove vehicles as provided in this Section.

12 7. No person shall engage in the removal of vehicles
13 from private property as described in this Section without
14 filing a notice of intent in each community where he
15 intends to do such removal, and such notice shall be filed
16 at least 7 days before commencing such towing.

17 8. No removal of a vehicle from private property shall
18 be done except upon express written instructions of the
19 owners or persons in charge of the private property upon
20 which the vehicle is said to be trespassing.

21 9. Vehicle entry for the purpose of removal shall be
22 allowed with reasonable care on the part of the person or
23 firm towing the vehicle. Such person or firm shall be
24 liable for any damages occasioned to the vehicle if such
25 entry is not in accordance with the standards of reasonable
26 care.

1 10. When a vehicle has been towed or removed pursuant
2 to this Section, it must be released to its owner or
3 custodian within one half hour after requested, if such
4 request is made during business hours. Any vehicle owner or
5 custodian or agent shall have the right to inspect the
6 vehicle before accepting its return, and no release or
7 waiver of any kind which would release the towing service
8 from liability for damages incurred during the towing and
9 storage may be required from any vehicle owner or other
10 legally authorized person as a condition of release of the
11 vehicle. A detailed, signed receipt showing the legal name
12 of the towing service must be given to the person paying
13 towing or storage charges at the time of payment, whether
14 requested or not.

15 This Section shall not apply to law enforcement,
16 firefighting, rescue, ambulance, or other emergency vehicles
17 which are marked as such or to property owned by any
18 governmental entity.

19 When an authorized person improperly causes a motor vehicle
20 to be removed, such person shall be liable to the owner or
21 lessee of the vehicle for the cost or removal, transportation
22 and storage, any damages resulting from the removal,
23 transportation and storage, attorney's fee and court costs.

24 Any towing or storage charges accrued shall be payable by
25 the use of any major credit card, in addition to being payable
26 in cash.

1 11. Towing companies shall also provide insurance
2 coverage for areas where vehicles towed under the
3 provisions of this Chapter will be impounded or otherwise
4 stored, and shall adequately cover loss by fire, theft or
5 other risks.

6 Any person who fails to comply with the conditions and
7 restrictions of this subsection shall be guilty of a Class C
8 misdemeanor and shall be fined not less than \$100 nor more than
9 \$500.

10 (g) When a vehicle is determined to be a hazardous
11 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
12 Illinois Municipal Code, its removal and impoundment by a
13 towing service may be authorized by a law enforcement agency
14 with appropriate jurisdiction.

15 When a vehicle removal from either public or private
16 property is authorized by a law enforcement agency, the owner
17 of the vehicle shall be responsible for all towing and storage
18 charges.

19 Vehicles removed from public or private property and stored
20 by a commercial vehicle relocater or any other towing service
21 in compliance with this Section and Sections 4-201 and 4-202 of
22 this Code, or at the request of the vehicle owner or operator,
23 shall be subject to a possessor lien for services pursuant to
24 the Labor and Storage Lien (Small Amount) Act. The provisions
25 of Section 1 of that Act relating to notice and implied consent
26 shall be deemed satisfied by compliance with Section 18a-302

1 and subsection (6) of Section 18a-300. In no event shall such
2 lien be greater than the rate or rates established in
3 accordance with subsection (6) of Section 18a-200 of this Code.
4 In no event shall such lien be increased or altered to reflect
5 any charge for services or materials rendered in addition to
6 those authorized by this Act. Every such lien shall be payable
7 by use of any major credit card, in addition to being payable
8 in cash.

9 Any personal property belonging to the vehicle owner in a
10 vehicle subject to a lien under this subsection (g) shall
11 likewise be subject to that lien, excepting only: food;
12 medicine; perishable property; any operator's licenses; any
13 cash, credit cards, or checks or checkbooks; and any wallet,
14 purse, or other property containing any operator's license or
15 other identifying documents or materials, cash, credit cards,
16 checks, or checkbooks.

17 No lien under this subsection (g) shall: exceed \$2,000 in
18 its total amount; or be increased or altered to reflect any
19 charge for services or materials rendered in addition to those
20 authorized by this Act.

21 (h) Whenever a peace officer issues a citation to a driver
22 for a violation of subsection (a) of Section 11-506 of this
23 Code, the arresting officer may have the vehicle which the
24 person was operating at the time of the arrest impounded for a
25 period of 5 days after the time of arrest. An impounding agency
26 shall release a motor vehicle impounded under this subsection

1 (h) to the registered owner of the vehicle under any of the
2 following circumstances:

3 (1) If the vehicle is a stolen vehicle; or

4 (2) If the person ticketed for a violation of
5 subsection (a) of Section 11-506 of this Code was not
6 authorized by the registered owner of the vehicle to
7 operate the vehicle at the time of the violation; or

8 (3) If the registered owner of the vehicle was neither
9 the driver nor a passenger in the vehicle at the time of
10 the violation or was unaware that the driver was using the
11 vehicle to engage in street racing; or

12 (4) If the legal owner or registered owner of the
13 vehicle is a rental car agency; or

14 (5) If, prior to the expiration of the impoundment
15 period specified above, the citation is dismissed or the
16 defendant is found not guilty of the offense.

17 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07.)

18 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

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

23 1. To any person, as a driver, who is under the age of
24 18 years except as provided in Section 6-107, and except
25 that an instruction permit may be issued under Section

1 6-107.1 to a child who is not less than 15 years of age if
2 the child is enrolled in an approved driver education
3 course as defined in Section 1-103 of this Code and
4 requires an instruction permit to participate therein,
5 except that an instruction permit may be issued under the
6 provisions of Section 6-107.1 to a child who is 17 years
7 and 3 ~~9~~ months of age without the child having enrolled in
8 an approved driver education course and except that an
9 instruction permit may be issued to a child who is at least
10 15 years and 6 months of age, is enrolled in school, meets
11 the educational requirements of the Driver Education Act,
12 and has passed examinations the Secretary of State in his
13 or her discretion may prescribe;

14 2. To any person who is under the age of 18 as an
15 operator of a motorcycle other than a motor driven cycle
16 unless the person has, in addition to meeting the
17 provisions of Section 6-107 of this Code, successfully
18 completed a motorcycle training course approved by the
19 Illinois Department of Transportation and successfully
20 completes the required Secretary of State's motorcycle
21 driver's examination;

22 3. To any person, as a driver, whose driver's license
23 or permit has been suspended, during the suspension, nor to
24 any person whose driver's license or permit has been
25 revoked, except as provided in Sections 6-205, 6-206, and
26 6-208;

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

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

9 6. To any person, as a driver, who is required by the
10 Secretary of State to submit an alcohol and drug evaluation
11 or take an examination provided for in this Code unless the
12 person has successfully passed the examination and
13 submitted any required evaluation;

14 7. To any person who is required under the provisions
15 of the laws of this State to deposit security or proof of
16 financial responsibility and who has not deposited the
17 security or proof;

18 8. To any person when the Secretary of State has good
19 cause to believe that the person by reason of physical or
20 mental disability would not be able to safely operate a
21 motor vehicle upon the highways, unless the person shall
22 furnish to the Secretary of State a verified written
23 statement, acceptable to the Secretary of State, from a
24 competent medical specialist to the effect that the
25 operation of a motor vehicle by the person would not be
26 inimical to the public safety;

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

4 10. To any person convicted, within 12 months of
5 application for a license, of any of the sexual offenses
6 enumerated in paragraph 2 of subsection (b) of Section
7 6-205;

8 11. To any person who is under the age of 21 years with
9 a classification prohibited in paragraph (b) of Section
10 6-104 and to any person who is under the age of 18 years
11 with a classification prohibited in paragraph (c) of
12 Section 6-104;

13 12. To any person who has been either convicted of or
14 adjudicated under the Juvenile Court Act of 1987 based upon
15 a violation of the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act while that person was in
18 actual physical control of a motor vehicle. For purposes of
19 this Section, any person placed on probation under Section
20 10 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, or Section 70 of the
22 Methamphetamine Control and Community Protection Act shall
23 not be considered convicted. Any person found guilty of
24 this offense, while in actual physical control of a motor
25 vehicle, shall have an entry made in the court record by
26 the judge that this offense did occur while the person was

1 in actual physical control of a motor vehicle and order the
2 clerk of the court to report the violation to the Secretary
3 of State as such. The Secretary of State shall not issue a
4 new license or permit for a period of one year;

5 13. To any person who is under the age of 18 years and
6 who has committed the offense of operating a motor vehicle
7 without a valid license or permit in violation of Section
8 6-101;

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

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

26 16. To any person who, with intent to influence any act

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

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

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

24 (Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783,
25 eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556,
26 eff. 9-11-05.)

1 (625 ILCS 5/6-106.2) (from Ch. 95 1/2, par. 6-106.2)

2 Sec. 6-106.2. Religious organization bus driver. A
3 religious organization bus driver shall meet the following
4 requirements:

5 1. is 21 years of age or older;

6 2. has a valid and properly classified driver's license
7 issued by the Secretary of State;

8 3. has held a valid driver's license, not necessarily of
9 the same classification, for 3 years prior to the date of
10 application;

11 4. has demonstrated an ability to exercise reasonable care
12 in the safe operation of religious organization buses in
13 accordance with such standards as the Secretary of State
14 prescribes including a driving test in a religious organization
15 bus; and

16 5. has not been convicted of any of the following offenses
17 within 3 years of the date of application: Sections 11-401
18 (leaving the scene of a traffic accident involving death or
19 personal injury), 11-501 (driving under the influence), 11-503
20 (reckless driving), ~~and~~ 11-504 (drag racing), and 11-506
21 (street racing) of this Code, or Sections 9-3 (manslaughter or
22 reckless homicide) and 12-5 (reckless conduct arising from the
23 use of a motor vehicle) of the Criminal Code of 1961.

24 (Source: P.A. 84-641.)

1 (625 ILCS 5/6-106.3) (from Ch. 95 1/2, par. 6-106.3)

2 Sec. 6-106.3. Senior citizen transportation - driver. A
3 driver of a vehicle operated solely for the purpose of
4 providing transportation for the elderly in connection with the
5 activities of any public or private organization shall meet the
6 following requirements:

7 (1) is 21 years of age or older;

8 (2) has a valid and properly classified driver's license
9 issued by the Secretary of State;

10 (3) has had a valid driver's license, not necessarily of
11 the same classification, for 3 years prior to the date of
12 application;

13 (4) has demonstrated his ability to exercise reasonable
14 care in the safe operation of a motor vehicle which will be
15 utilized to transport persons in accordance with such standards
16 as the Secretary of State prescribes including a driving test
17 in such motor vehicle; and

18 (5) has not been convicted of any of the following offenses
19 within 3 years of the date of application: Sections 11-401
20 (leaving the scene of a traffic accident involving death or
21 personal injury), 11-501 (driving under the influence), 11-503
22 (reckless driving), ~~and~~ 11-504 (drag racing), and 11-506
23 (street racing) of this Code, or Sections 9-3 (manslaughter or
24 reckless homicide) and 12-5 (reckless conduct arising from the
25 use of a motor vehicle) of the Criminal Code of 1961.

26 (Source: P.A. 84-641.)

1 (625 ILCS 5/6-106.4) (from Ch. 95 1/2, par. 6-106.4)
2 Sec. 6-106.4. For-profit ridesharing arrangement - driver.
3 No person may drive a commuter van while it is being used for a
4 for-profit ridesharing arrangement unless such person:

5 (1) is 21 years of age or older;

6 (2) has a valid and properly classified driver's license
7 issued by the Secretary of State;

8 (3) has held a valid driver's license, not necessarily of
9 the same classification, for 3 years prior to the date of
10 application;

11 (4) has demonstrated his ability to exercise reasonable
12 care in the safe operation of commuter vans used in for-profit
13 ridesharing arrangements in accordance with such standards as
14 the Secretary of State may prescribe, which standards may
15 require a driving test in a commuter van; and

16 (5) has not been convicted of any of the following offenses
17 within 3 years of the date of application: Sections 11-401
18 (leaving the scene of a traffic accident involving death or
19 personal injury), 11-501 (driving under the influence), 11-503
20 (reckless driving), ~~and~~ 11-504 (drag racing), and 11-506
21 (street racing) of this Code, or Sections 9-3 (manslaughter or
22 reckless homicide) and 12-5 (reckless conduct arising from the
23 use of a motor vehicle) of the Criminal Code of 1961.

24 (Source: P.A. 84-641.)

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

2 Sec. 6-107. Graduated license.

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

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

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

12 (3) sanctioning driving privileges of drivers under
13 age 21 who have committed serious traffic violations or
14 other specified offenses; and

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

17 (b) The application of any person under the age of 18
18 years, and not legally emancipated by marriage, for a drivers
19 license or permit to operate a motor vehicle issued under the
20 laws of this State, shall be accompanied by the written consent
21 of either parent of the applicant; otherwise by the guardian
22 having custody of the applicant, or in the event there is no
23 parent or guardian, then by another responsible adult. The
24 written consent must accompany any application for a driver's
25 license under this subsection (b), regardless of whether or not
26 the required written consent also accompanied the person's

1 previous application for an instruction permit.

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

5 (1) Held a valid instruction permit for a minimum of 9
6 ~~3~~ months.

7 (2) Passed an approved driver education course and
8 submits proof of having passed the course as may be
9 required.

10 (3) Certification by the parent, legal guardian, or
11 responsible adult that the applicant has had a minimum of
12 50 hours of behind-the-wheel practice time, at least 10
13 hours of which have been at night, and is sufficiently
14 prepared and able to safely operate a motor vehicle.

15 (b-1) No graduated driver's license shall be issued to any
16 applicant who is under 18 years of age and not legally
17 emancipated by marriage, unless the applicant has graduated
18 from a secondary school of this State or any other state, is
19 enrolled in a course leading to a general educational
20 development (GED) certificate, has obtained a GED certificate,
21 is enrolled in an elementary or secondary school or college or
22 university of this State or any other state and is not a
23 chronic or habitual truant as provided in Section 26-2a of the
24 School Code, or is receiving home instruction and submits proof
25 of meeting any of those requirements at the time of
26 application.

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

8 (c) No graduated driver's license or permit shall be issued
9 to any applicant under 18 years of age who has committed the
10 offense of operating a motor vehicle without a valid license or
11 permit in violation of Section 6-101 of this Code and no
12 graduated driver's license or permit shall be issued to any
13 applicant under 18 years of age who has committed an offense
14 that would otherwise result in a mandatory revocation of a
15 license or permit as provided in Section 6-205 of this Code or
16 who has been either convicted of or adjudicated a delinquent
17 based upon a violation of the Cannabis Control Act, the
18 Illinois Controlled Substances Act, or the Methamphetamine
19 Control and Community Protection Act while that individual was
20 in actual physical control of a motor vehicle. For purposes of
21 this Section, any person placed on probation under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substances Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act shall not be considered
25 convicted. Any person found guilty of this offense, while in
26 actual physical control of a motor vehicle, shall have an entry

1 made in the court record by the judge that this offense did
2 occur while the person was in actual physical control of a
3 motor vehicle and order the clerk of the court to report the
4 violation to the Secretary of State as such.

5 (d) No graduated driver's license shall be issued for 9 ~~6~~
6 months to any applicant under the age of 18 years who has
7 committed and subsequently been convicted of an offense against
8 traffic regulations governing the movement of vehicles or any
9 violation of this Section or Section 12-603.1 of this Code ~~any~~
10 ~~offense defined as a serious traffic violation in this Code or~~
11 ~~a similar provision of a local ordinance.~~

12 (e) No graduated driver's license holder under the age of
13 18 years shall operate any motor vehicle, except a motor driven
14 cycle or motorcycle, with more than one passenger in the front
15 seat of the motor vehicle and no more passengers in the back
16 seats than the number of available seat safety belts as set
17 forth in Section 12-603 of this Code. If a graduated driver's
18 license holder over the age of 18 committed an offense against
19 traffic regulations governing the movement of vehicles or any
20 violation of this Section or Section 12-603.1 of this Code in
21 the 6 months prior to the graduated driver's license holder's
22 18th birthday, and was subsequently convicted of the violation,
23 the provisions of this paragraph shall continue to apply until
24 such time as a period of 6 consecutive months has elapsed
25 without an additional violation and subsequent conviction of an
26 offense against traffic regulations governing the movement of

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

3 (f) No graduated driver's license holder under the age of
4 18 shall operate a motor vehicle unless each driver and
5 passenger under the age of 19 is wearing a properly adjusted
6 and fastened seat safety belt and each child under the age of 8
7 is protected as required under the Child Passenger Protection
8 Act. If a graduated driver's license holder over the age of 18
9 committed an offense against traffic regulations governing the
10 movement of vehicles or any violation of this Section or
11 Section 12-603.1 of this Code in the 6 months prior to the
12 graduated driver's license holder's 18th birthday, and was
13 subsequently convicted of the violation, the provisions of this
14 paragraph shall continue to apply until such time as a period
15 of 6 consecutive months has elapsed without an additional
16 violation and subsequent conviction of an offense against
17 traffic regulations governing the movement of vehicles or any
18 violation of this Section or Section 12-603.1 of this Code.

19 (g) If a graduated driver's license holder is under the age
20 of 18 when he or she receives the license, for the first 12 ~~6~~
21 months he or she holds the license or until he or she reaches
22 the age of 18, whichever occurs sooner, the graduated license
23 holder may not operate a motor vehicle with more than one
24 passenger in the vehicle who is under the age of 20, unless any
25 additional passenger or passengers are siblings,
26 step-siblings, children, or stepchildren of the driver. If a

1 graduated driver's license holder committed an offense against
2 traffic regulations governing the movement of vehicles or any
3 violation of this Section or Section 12-603.1 of this Code
4 during the first 12 months the license is held and subsequently
5 is convicted of the violation, the provisions of this paragraph
6 shall remain in effect until such time as a period of 6
7 consecutive months has elapsed without an additional violation
8 and subsequent conviction of an offense against traffic
9 regulations governing the movement of vehicles or any violation
10 of this Section or Section 12-603.1 of this Code.

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

18 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,
19 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897,
20 eff. 6-22-06; 94-916, eff. 7-1-07; revised 8-3-06.)

21 (625 ILCS 5/6-107.1)

22 Sec. 6-107.1. Instruction permit for a minor.

23 (a) The Secretary of State, upon receiving proper
24 application and payment of the required fee, may issue an
25 instruction permit to any person under the age of 18 years who

1 is not ineligible for a license under paragraphs 1, 3, 4, 5, 7,
2 or 8 of Section 6-103, after the applicant has successfully
3 passed such examination as the Secretary of State in his
4 discretion may prescribe.

5 (1) An instruction permit issued under this Section
6 shall be valid for a period of 24 months after the date of
7 its issuance and shall be restricted, by the Secretary of
8 State, to the operation of a motor vehicle by the minor
9 only when accompanied by the adult instructor of a driver
10 education program during enrollment in the program or when
11 practicing with a parent, legal guardian, family member, or
12 a person in loco parentis who is 21 years of age or more,
13 has a license classification to operate such vehicle and at
14 least one year of driving experience, and who is occupying
15 a seat beside the driver.

16 (2) A 24 month instruction permit for a motor driven
17 cycle may be issued to a person 16 or 17 years of age and
18 entitles the holder to drive upon the highways during
19 daylight under direct supervision of a licensed motor
20 driven cycle operator or motorcycle operator 21 years of
21 age or older who has a license classification to operate
22 such motor driven cycle or motorcycle and at least one year
23 of driving experience.

24 (3) A 24 month instruction permit for a motorcycle
25 other than a motor driven cycle may be issued to a person
26 16 or 17 years of age in accordance with the provisions of

1 paragraph 2 of Section 6-103 and entitles a holder to drive
2 upon the highways during daylight under the direct
3 supervision of a licensed motorcycle operator 21 years of
4 age or older who has at least one year of driving
5 experience.

6 (b) An instruction permit issued under this Section when
7 issued to a person under the age of 18 ~~17~~ years shall, as a
8 matter of law, be invalid for the operation of any motor
9 vehicle during the following times:

10 (1) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

11 (2) Between 11:00 p.m. Saturday and 6:00 a.m. on
12 Sunday; and

13 (3) Between 10:00 p.m. on Sunday to Thursday,
14 inclusive, and 6:00 a.m. on the following day.

15 The instruction permit of a person under the age of 18
16 shall not be invalid as described in paragraph (b) of this
17 Section if the instruction permit holder under the age of 18
18 was:

19 (1) accompanied by the minor's parent or guardian or
20 other person in custody or control of the minor;

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

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

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

26 (5) involved in an emergency;

1 (6) going to or returning home from, without any detour
2 or stop, an official school, religious, or other
3 recreational activity supervised by adults and sponsored
4 by a government or governmental agency, a civic
5 organization, or another similar entity that takes
6 responsibility for the licensee, without any detour or
7 stop;

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

11 (8) married or had been married or is an emancipated
12 minor under the Emancipation of Minors Act ~~the same time~~
13 ~~the child is prohibited from being on any street or highway~~
14 ~~under the provisions of the Child Curfew Act.~~

15 (b-1) No instruction permit shall be issued to any
16 applicant who is under the age of 18 years and who has been
17 certified to be a chronic or habitual truant, as defined in
18 Section 26-2a of the School Code.

19 An applicant under the age of 18 years who provides proof
20 that he or she has resumed regular school attendance or that
21 his or her application was denied in error shall be eligible to
22 receive an instruction permit if other requirements are met.
23 The Secretary shall adopt rules for implementing this
24 subsection (b-1).

25 (c) Any person under the age of 16 years who possesses an
26 instruction permit and whose driving privileges have been

1 suspended or revoked under the provisions of this Code shall
2 not be granted a Family Financial Responsibility Driving Permit
3 or a Restricted Driving Permit.

4 (Source: P.A. 94-916, eff. 7-1-07.)

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

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

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

13 ~~If the licensee is less than 17 years of age, the license~~
14 ~~shall, as a matter of law, be invalid for the operation of any~~
15 ~~motor vehicle during any time the licensee is prohibited from~~
16 ~~being on any street or highway under the provisions of the~~
17 ~~Child Curfew Act.~~

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

20 In lieu of the social security number, the Secretary may in
21 his discretion substitute a federal tax number or other
22 distinctive number.

23 A driver's license issued may, in the discretion of the
24 Secretary, include a suitable photograph of a type prescribed
25 by the Secretary.

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

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

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

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

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

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

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

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

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

20 (5) involved in an emergency;

21 (6) going to or returning home from, without any detour
22 or stop, an official school, religious, or other
23 recreational activity supervised by adults and sponsored
24 by a government or governmental agency, a civic
25 organization, or another similar entity that takes
26 responsibility for the licensee, without any detour or

1 stop;

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

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

7 (a-3) If a graduated driver's license holder over the age
8 of 18 committed an offense against traffic regulations
9 governing the movement of vehicles or any violation of Section
10 6-107 or Section 12-603.1 of this Code in the 6 months prior to
11 the graduated driver's license holder's 18th birthday, and was
12 subsequently convicted of the offense, the provisions of
13 subsection (a-1) shall continue to apply until such time as a
14 period of 6 consecutive months has elapsed without an
15 additional violation and subsequent conviction of an offense
16 against traffic regulations governing the movement of vehicles
17 or Section 6-107 or Section 12-603.1 of this Code.

18 (b) Until the Secretary of State establishes a First Person
19 Consent organ and tissue donor registry under Section 6-117 of
20 this Code, the Secretary of State shall provide a format on the
21 reverse of each driver's license issued which the licensee may
22 use to execute a document of gift conforming to the provisions
23 of the Illinois Anatomical Gift Act. The format shall allow the
24 licensee to indicate the gift intended, whether specific
25 organs, any organ, or the entire body, and shall accommodate
26 the signatures of the donor and 2 witnesses. The Secretary

1 shall also inform each applicant or licensee of this format,
2 describe the procedure for its execution, and may offer the
3 necessary witnesses; provided that in so doing, the Secretary
4 shall advise the applicant or licensee that he or she is under
5 no compulsion to execute a document of gift. A brochure
6 explaining this method of executing an anatomical gift document
7 shall be given to each applicant or licensee. The brochure
8 shall advise the applicant or licensee that he or she is under
9 no compulsion to execute a document of gift, and that he or she
10 may wish to consult with family, friends or clergy before doing
11 so. The Secretary of State may undertake additional efforts,
12 including education and awareness activities, to promote organ
13 and tissue donation.

14 (c) The Secretary of State shall designate on each driver's
15 license issued a space where the licensee may place a sticker
16 or decal of the uniform size as the Secretary may specify,
17 which sticker or decal may indicate in appropriate language
18 that the owner of the license carries an Emergency Medical
19 Information Card.

20 The sticker may be provided by any person, hospital,
21 school, medical group, or association interested in assisting
22 in implementing the Emergency Medical Information Card, but
23 shall meet the specifications as the Secretary may by rule or
24 regulation require.

25 (d) The Secretary of State shall designate on each driver's
26 license issued a space where the licensee may indicate his

1 blood type and RH factor.

2 (e) The Secretary of State shall provide that each original
3 or renewal driver's license issued to a licensee under 21 years
4 of age shall be of a distinct nature from those driver's
5 licenses issued to individuals 21 years of age and older. The
6 color designated for driver's licenses for licensees under 21
7 years of age shall be at the discretion of the Secretary of
8 State.

9 (e-1) The Secretary shall provide that each driver's
10 license issued to a person under the age of 21 displays the
11 date upon which the person becomes 18 years of age and the date
12 upon which the person becomes 21 years of age.

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

1 license prior to April 1, 1992.

2 (g) The Secretary of State shall designate on a driver's
3 license issued, a space where the licensee may indicate that he
4 or she has drafted a living will in accordance with the
5 Illinois Living Will Act or a durable power of attorney for
6 health care in accordance with the Illinois Power of Attorney
7 Act.

8 (g-1) The Secretary of State, in his or her discretion, may
9 designate on each driver's license issued a space where the
10 licensee may place a sticker or decal, issued by the Secretary
11 of State, of uniform size as the Secretary may specify, that
12 shall indicate in appropriate language that the owner of the
13 license has renewed his or her driver's license.

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

18 (Source: P.A. 93-794, eff. 7-22-04; 93-895, eff. 1-1-05; 94-75,
19 eff. 1-1-06; 94-930, eff. 6-26-06.)

20 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

21 Sec. 6-113. Restricted licenses and permits.

22 (a) The Secretary of State upon issuing a drivers license
23 or permit shall have the authority whenever good cause appears
24 to impose restrictions suitable to the licensee's driving
25 ability with respect to the type of, or special mechanical

1 control devices required on, a motor vehicle which the licensee
2 may operate or such other restrictions applicable to the
3 licensee as the Secretary of State may determine to be
4 appropriate to assure the safe operation of a motor vehicle by
5 the licensee.

6 (b) The Secretary of State may either issue a special
7 restricted license or permit or may set forth such restrictions
8 upon the usual license or permit form.

9 (c) The Secretary of State may issue a probationary license
10 to a person whose driving privileges have been suspended
11 pursuant to subsection (d) of this Section or subsections
12 (a) (2), (a) (19) and (a) (20) of Section 6-206 of this Code. The
13 Secretary of State shall promulgate rules pursuant to The
14 Illinois Administrative Procedure Act, setting forth the
15 conditions and criteria for the issuance and cancellation of
16 probationary licenses.

17 (d) The Secretary of State may upon receiving satisfactory
18 evidence of any violation of the restrictions of such license
19 or permit suspend, revoke or cancel the same without
20 preliminary hearing, but the licensee or permittee shall be
21 entitled to a hearing as in the case of a suspension or
22 revocation.

23 (e) It is unlawful for any person to operate a motor
24 vehicle in any manner in violation of the restrictions imposed
25 on a restricted license or permit issued to him.

26 (f) Whenever the holder of a restricted driving permit is

1 issued a citation for any of the following offenses including
2 similar local ordinances, the restricted driving permit is
3 immediately invalidated:

4 1. Reckless homicide resulting from the operation of a
5 motor vehicle;

6 2. Violation of Section 11-501 of this Act relating to
7 the operation of a motor vehicle while under the influence
8 of intoxicating liquor or narcotic drugs;

9 3. Violation of Section 11-401 of this Act relating to
10 the offense of leaving the scene of a traffic accident
11 involving death or injury; ~~or~~

12 4. Violation of Section 11-504 of this Act relating to
13 the offense of drag racing; or

14 5. Violation of Section 11-506 of this Act relating to
15 the offense of street racing.

16 The police officer issuing the citation shall confiscate
17 the restricted driving permit and forward it, along with the
18 citation, to the Clerk of the Circuit Court of the county in
19 which the citation was issued.

20 (g) The Secretary of State may issue a special restricted
21 license for a period of 12 months to individuals using vision
22 aid arrangements other than standard eyeglasses or contact
23 lenses, allowing the operation of a motor vehicle during
24 nighttime hours. The Secretary of State shall adopt rules
25 defining the terms and conditions by which the individual may
26 obtain and renew this special restricted license. At a minimum,

1 all drivers must meet the following requirements:

2 1. Possess a valid driver's license and have operated a
3 motor vehicle during daylight hours for a period of 12
4 months using vision aid arrangements other than standard
5 eyeglasses or contact lenses.

6 2. Have a driving record that does not include any
7 traffic accidents that occurred during nighttime hours,
8 for which the driver has been found to be at fault, during
9 the 12 months before he or she applied for the special
10 restricted license.

11 3. Successfully complete a road test administered
12 during nighttime hours.

13 At a minimum, all drivers renewing this license must meet
14 the following requirements:

15 1. Successfully complete a road test administered
16 during nighttime hours.

17 2. Have a driving record that does not include any
18 traffic accidents that occurred during nighttime hours,
19 for which the driver has been found to be at fault, during
20 the 12 months before he or she applied for the special
21 restricted license.

22 (h) Any driver issued a special restricted license as
23 defined in subsection (g) whose privilege to drive during
24 nighttime hours has been suspended due to an accident occurring
25 during nighttime hours may request a hearing as provided in
26 Section 2-118 of this Code to contest that suspension. If it is

1 determined that the accident for which the driver was at fault
2 was not influenced by the driver's use of vision aid
3 arrangements other than standard eyeglasses or contact lenses,
4 the Secretary may reinstate that driver's privilege to drive
5 during nighttime hours.

6 (Source: P.A. 92-274, eff. 1-1-02.)

7 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

9 (a) For the purpose of providing to the Secretary of State
10 the records essential to the performance of the Secretary's
11 duties under this Code to cancel, revoke or suspend the
12 driver's license and privilege to drive motor vehicles of
13 certain minors adjudicated truant minors in need of
14 supervision, addicted, or delinquent and of persons found
15 guilty of the criminal offenses or traffic violations which
16 this Code recognizes as evidence relating to unfitness to
17 safely operate motor vehicles, the following duties are imposed
18 upon public officials:

19 (1) Whenever any person is convicted of any offense for
20 which this Code makes mandatory the cancellation or
21 revocation of the driver's license or permit of such person
22 by the Secretary of State, the judge of the court in which
23 such conviction is had shall require the surrender to the
24 clerk of the court of all driver's licenses or permits then
25 held by the person so convicted, and the clerk of the court

1 shall, within 5 days thereafter, forward the same, together
2 with a report of such conviction, to the Secretary.

3 (2) Whenever any person is convicted of any offense
4 under this Code or similar offenses under a municipal
5 ordinance, other than regulations governing standing,
6 parking or weights of vehicles, and excepting the following
7 enumerated Sections of this Code: Sections 11-1406
8 (obstruction to driver's view or control), 11-1407
9 (improper opening of door into traffic), 11-1410 (coasting
10 on downgrade), 11-1411 (following fire apparatus),
11 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
12 vehicle which is in unsafe condition or improperly
13 equipped), 12-201(a) (daytime lights on motorcycles),
14 12-202 (clearance, identification and side marker lamps),
15 12-204 (lamp or flag on projecting load), 12-205 (failure
16 to display the safety lights required), 12-401
17 (restrictions as to tire equipment), 12-502 (mirrors),
18 12-503 (windshields must be unobstructed and equipped with
19 wipers), 12-601 (horns and warning devices), 12-602
20 (mufflers, prevention of noise or smoke), 12-603 (seat
21 safety belts), 12-702 (certain vehicles to carry flares or
22 other warning devices), 12-703 (vehicles for oiling roads
23 operated on highways), 12-710 (splash guards and
24 replacements), 13-101 (safety tests), 15-101 (size, weight
25 and load), 15-102 (width), 15-103 (height), 15-104 (name
26 and address on second division vehicles), 15-107 (length of

1 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
2 15-112 (weights), 15-301 (weights), 15-316 (weights),
3 15-318 (weights), and also excepting the following
4 enumerated Sections of the Chicago Municipal Code:
5 Sections 27-245 (following fire apparatus), 27-254
6 (obstruction of traffic), 27-258 (driving vehicle which is
7 in unsafe condition), 27-259 (coasting on downgrade),
8 27-264 (use of horns and signal devices), 27-265
9 (obstruction to driver's view or driver mechanism), 27-267
10 (dimming of headlights), 27-268 (unattended motor
11 vehicle), 27-272 (illegal funeral procession), 27-273
12 (funeral procession on boulevard), 27-275 (driving freight
13 hauling vehicles on boulevard), 27-276 (stopping and
14 standing of buses or taxicabs), 27-277 (cruising of public
15 passenger vehicles), 27-305 (parallel parking), 27-306
16 (diagonal parking), 27-307 (parking not to obstruct
17 traffic), 27-308 (stopping, standing or parking
18 regulated), 27-311 (parking regulations), 27-312 (parking
19 regulations), 27-313 (parking regulations), 27-314
20 (parking regulations), 27-315 (parking regulations),
21 27-316 (parking regulations), 27-317 (parking
22 regulations), 27-318 (parking regulations), 27-319
23 (parking regulations), 27-320 (parking regulations),
24 27-321 (parking regulations), 27-322 (parking
25 regulations), 27-324 (loading and unloading at an angle),
26 27-333 (wheel and axle loads), 27-334 (load restrictions in

1 the downtown district), 27-335 (load restrictions in
2 residential areas), 27-338 (width of vehicles), 27-339
3 (height of vehicles), 27-340 (length of vehicles), 27-352
4 (reflectors on trailers), 27-353 (mufflers), 27-354
5 (display of plates), 27-355 (display of city vehicle tax
6 sticker), 27-357 (identification of vehicles), 27-358
7 (projecting of loads), and also excepting the following
8 enumerated paragraphs of Section 2-201 of the Rules and
9 Regulations of the Illinois State Toll Highway Authority:
10 (l) (driving unsafe vehicle on tollway), (m) (vehicles
11 transporting dangerous cargo not properly indicated), it
12 shall be the duty of the clerk of the court in which such
13 conviction is had within 5 days thereafter to forward to
14 the Secretary of State a report of the conviction and the
15 court may recommend the suspension of the driver's license
16 or permit of the person so convicted.

17 The reporting requirements of this subsection shall apply
18 to all violations stated in paragraphs (1) and (2) of this
19 subsection when the individual has been adjudicated under the
20 Juvenile Court Act or the Juvenile Court Act of 1987. Such
21 reporting requirements shall also apply to individuals
22 adjudicated under the Juvenile Court Act or the Juvenile Court
23 Act of 1987 who have committed a violation of Section 11-501 of
24 this Code, or similar provision of a local ordinance, or
25 Section 9-3 of the Criminal Code of 1961, as amended, relating
26 to the offense of reckless homicide. The reporting requirements

1 of this subsection shall also apply to a truant minor in need
2 of supervision, an addicted minor, or a delinquent minor and
3 whose driver's license and privilege to drive a motor vehicle
4 has been ordered suspended for such times as determined by the
5 Court, but only until he or she attains 18 years of age. It
6 shall be the duty of the clerk of the court in which
7 adjudication is had within 5 days thereafter to forward to the
8 Secretary of State a report of the adjudication and the court
9 order requiring the Secretary of State to suspend the minor's
10 driver's license and driving privilege for such time as
11 determined by the Court, but only until he or she attains the
12 age of 18 years. All juvenile court dispositions reported to
13 the Secretary of State under this provision shall be processed
14 by the Secretary of State as if the cases had been adjudicated
15 in traffic or criminal court. However, information reported
16 relative to the offense of reckless homicide, or Section 11-501
17 of this Code, or a similar provision of a local ordinance,
18 shall be privileged and available only to the Secretary of
19 State, courts, and police officers.

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

1 (3) Whenever an order is entered vacating the
2 forfeiture of any bail, security or bond given to secure
3 appearance for any offense under this Code or similar
4 offenses under municipal ordinance, it shall be the duty of
5 the clerk of the court in which such vacation was had or
6 the judge of such court if such court has no clerk, within
7 5 days thereafter to forward to the Secretary of State a
8 report of the vacation.

9 (4) A report of any disposition of court supervision
10 for a violation of Sections 6-303, 11-401, 11-501 or a
11 similar provision of a local ordinance, 11-503, ~~and~~ 11-504,
12 and 11-506 shall be forwarded to the Secretary of State. A
13 report of any disposition of court supervision for a
14 violation of an offense defined as a serious traffic
15 violation in this Code or a similar provision of a local
16 ordinance committed by a person under the age of 21 years
17 shall be forwarded to the Secretary of State.

18 (5) Reports of conviction under this Code and
19 sentencing hearings under the Juvenile Court Act of 1987 in
20 an electronic format or a computer processible medium shall
21 be forwarded to the Secretary of State via the Supreme
22 Court in the form and format required by the Illinois
23 Supreme Court and established by a written agreement
24 between the Supreme Court and the Secretary of State. In
25 counties with a population over 300,000, instead of
26 forwarding reports to the Supreme Court, reports of

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

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

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

26 (d) For the purpose of providing the Secretary of State

1 with records necessary to properly monitor and assess driver
2 performance and assist the courts in the proper disposition of
3 repeat traffic law offenders, the clerk of the court shall
4 forward to the Secretary of State, on a form prescribed by the
5 Secretary, records of a driver's participation in a driver
6 remedial or rehabilitative program which was required, through
7 a court order or court supervision, in relation to the driver's
8 arrest for a violation of Section 11-501 of this Code or a
9 similar provision of a local ordinance. The clerk of the court
10 shall also forward to the Secretary, either on paper or in an
11 electronic format or a computer processible medium as required
12 under paragraph (5) of subsection (a) of this Section, any
13 disposition of court supervision for any traffic violation,
14 excluding those offenses listed in paragraph (2) of subsection
15 (a) of this Section. These reports shall be sent within 5 days
16 after disposition, or, if the driver is referred to a driver
17 remedial or rehabilitative program, within 5 days of the
18 driver's referral to that program. These reports received by
19 the Secretary of State, including those required to be
20 forwarded under paragraph (a)(4), shall be privileged
21 information, available only (i) to the affected driver and (ii)
22 for use by the courts, police officers, prosecuting
23 authorities, and the Secretary of State. In accordance with 49
24 C.F.R. Part 384, all reports of court supervision, except
25 violations related to parking, shall be forwarded to the
26 Secretary of State for all holders of a CDL or any driver who

1 commits an offense while driving a commercial motor vehicle.
2 These reports shall be recorded to the driver's record as a
3 conviction for use in the disqualification of the driver's
4 commercial motor vehicle privileges and shall not be privileged
5 information.

6 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06.)

7 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

8 Sec. 6-205. Mandatory revocation of license or permit;
9 Hardship cases.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (b) The Secretary of State shall also immediately revoke
8 the license or permit of any driver in the following
9 situations:

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

15 2. Of any person when any other law of this State
16 requires either the revocation or suspension of a license
17 or permit.

18 (c) Whenever a person is convicted of any of the offenses
19 enumerated in this Section, the court may recommend and the
20 Secretary of State in his discretion, without regard to whether
21 the recommendation is made by the court may, upon application,
22 issue to the person a restricted driving permit granting the
23 privilege of driving a motor vehicle between the petitioner's
24 residence and petitioner's place of employment or within the
25 scope of the petitioner's employment related duties, or to
26 allow transportation for the petitioner or a household member

1 of the petitioner's family for the receipt of necessary medical
2 care or, if the professional evaluation indicates, provide
3 transportation for the petitioner for alcohol remedial or
4 rehabilitative activity, or for the petitioner to attend
5 classes, as a student, in an accredited educational
6 institution; if the petitioner is able to demonstrate that no
7 alternative means of transportation is reasonably available
8 and the petitioner will not endanger the public safety or
9 welfare; provided that the Secretary's discretion shall be
10 limited to cases where undue hardship would result from a
11 failure to issue the restricted driving permit.

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

20 If a person's license or permit has been revoked or
21 suspended 2 or more times within a 10 year period due to a
22 single conviction of violating Section 11-501 of this Code or a
23 similar provision of a local ordinance or a similar
24 out-of-state offense, and a statutory summary suspension under
25 Section 11-501.1, or 2 or more statutory summary suspensions,
26 or combination of 2 offenses, or of an offense and a statutory

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

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

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

1 6-106, upon payment of the appropriate reinstatement fee
2 provided under paragraph (b) of Section 6-118, the Secretary of
3 State, in his discretion, may issue the applicant a license, or
4 extend the restricted driving permit as many times as the
5 Secretary of State deems appropriate, by additional periods of
6 not more than 12 months each, until the applicant attains 21
7 years of age.

8 If a person's license or permit has been revoked or
9 suspended due to 2 or more convictions of violating Section
10 11-501 of this Code or a similar provision of a local ordinance
11 or a similar out-of-state offense, arising out of separate
12 occurrences, that person, if issued a restricted driving
13 permit, may not operate a vehicle unless it has been equipped
14 with an ignition interlock device as defined in Section
15 1-129.1.

16 If a person's license or permit has been revoked or
17 suspended 2 or more times within a 10 year period due to a
18 single conviction of violating Section 11-501 of this Code or a
19 similar provision of a local ordinance or a similar
20 out-of-state offense, and a statutory summary suspension under
21 Section 11-501.1, or 2 or more statutory summary suspensions,
22 or combination of 2 offenses, or of an offense and a statutory
23 summary suspension, arising out of separate occurrences, that
24 person, if issued a restricted driving permit, may not operate
25 a vehicle unless it has been equipped with an ignition
26 interlock device as defined in Section 1-129.1. The person must

1 pay to the Secretary of State DUI Administration Fund an amount
2 not to exceed \$20 per month. The Secretary shall establish by
3 rule the amount and the procedures, terms, and conditions
4 relating to these fees. If the restricted driving permit was
5 issued for employment purposes, then this provision does not
6 apply to the operation of an occupational vehicle owned or
7 leased by that person's employer. A restricted driving permit
8 issued under this Section shall be subject to cancellation,
9 revocation, and suspension by the Secretary of State in like
10 manner and for like cause as a driver's license issued under
11 this Code may be cancelled, revoked, or suspended; except that
12 a conviction upon one or more offenses against laws or
13 ordinances regulating the movement of traffic shall be deemed
14 sufficient cause for the revocation, suspension, or
15 cancellation of a restricted driving permit. The revocation
16 periods contained in this subparagraph shall apply to similar
17 out-of-state convictions.

18 (e) This Section is subject to the provisions of the Driver
19 License Compact.

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

24 (g) The Secretary of State shall not issue a restricted
25 driving permit to a person under the age of 16 years whose
26 driving privileges have been revoked under any provisions of

1 this Code.

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

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

17 (j) In accordance with 49 C.F.R. 384, the Secretary of
18 State may not issue a restricted driving permit for the
19 operation of a commercial motor vehicle to a person holding a
20 CDL whose driving privileges have been revoked under any
21 provisions of this Code.

22 (Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

23 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

1 (a) The Secretary of State is authorized to suspend or
2 revoke the driving privileges of any person without preliminary
3 hearing upon a showing of the person's records or other
4 sufficient evidence that the person:

5 1. Has committed an offense for which mandatory
6 revocation of a driver's license or permit is required upon
7 conviction;

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

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

21 4. Has by the unlawful operation of a motor vehicle
22 caused or contributed to an accident resulting in death or
23 injury requiring immediate professional treatment in a
24 medical facility or doctor's office to any person, except
25 that any suspension or revocation imposed by the Secretary
26 of State under the provisions of this subsection shall

1 start no later than 6 months after being convicted of
2 violating a law or ordinance regulating the movement of
3 traffic, which violation is related to the accident, or
4 shall start not more than one year after the date of the
5 accident, whichever date occurs later;

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

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

12 7. Has refused or failed to submit to an examination
13 provided for by Section 6-207 or has failed to pass the
14 examination;

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

17 9. Has made a false statement or knowingly concealed a
18 material fact or has used false information or
19 identification in any application for a license,
20 identification card, or permit;

21 10. Has possessed, displayed, or attempted to
22 fraudulently use any license, identification card, or
23 permit not issued to the person;

24 11. Has operated a motor vehicle upon a highway of this
25 State when the person's driving privilege or privilege to
26 obtain a driver's license or permit was revoked or

1 suspended unless the operation was authorized by a judicial
2 driving permit, probationary license to drive, or a
3 restricted driving permit issued under this Code;

4 12. Has submitted to any portion of the application
5 process for another person or has obtained the services of
6 another person to submit to any portion of the application
7 process for the purpose of obtaining a license,
8 identification card, or permit for some other person;

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

12 14. Has committed a violation of Section 6-301,
13 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
14 of the Illinois Identification Card Act;

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

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

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the person
23 has not sought a hearing as provided for in Section
24 11-501.1;

25 18. Has, since issuance of a driver's license or
26 permit, been adjudged to be afflicted with or suffering

1 from any mental disability or disease;

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

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

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

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

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

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

26 25. Has permitted any form of identification to be used

1 by another in the application process in order to obtain or
2 attempt to obtain a license, identification card, or
3 permit;

4 26. Has altered or attempted to alter a license or has
5 possessed an altered license, identification card, or
6 permit;

7 27. Has violated Section 6-16 of the Liquor Control Act
8 of 1934;

9 28. Has been convicted of the illegal possession, while
10 operating or in actual physical control, as a driver, of a
11 motor vehicle, of any controlled substance prohibited
12 under the Illinois Controlled Substances Act, any cannabis
13 prohibited under the Cannabis Control Act, or any
14 methamphetamine prohibited under the Methamphetamine
15 Control and Community Protection Act, in which case the
16 person's driving privileges shall be suspended for one
17 year, and any driver who is convicted of a second or
18 subsequent offense, within 5 years of a previous
19 conviction, for the illegal possession, while operating or
20 in actual physical control, as a driver, of a motor
21 vehicle, of any controlled substance prohibited under the
22 Illinois Controlled Substances Act, any cannabis
23 prohibited under the Cannabis Control Act, or any
24 methamphetamine prohibited under the Methamphetamine
25 Control and Community Protection Act shall be suspended for
26 5 years. Any defendant found guilty of this offense while

1 operating a motor vehicle, shall have an entry made in the
2 court record by the presiding judge that this offense did
3 occur while the defendant was operating a motor vehicle and
4 order the clerk of the court to report the violation to the
5 Secretary of State;

6 29. Has been convicted of the following offenses that
7 were committed while the person was operating or in actual
8 physical control, as a driver, of a motor vehicle: criminal
9 sexual assault, predatory criminal sexual assault of a
10 child, aggravated criminal sexual assault, criminal sexual
11 abuse, aggravated criminal sexual abuse, juvenile pimping,
12 soliciting for a juvenile prostitute and the manufacture,
13 sale or delivery of controlled substances or instruments
14 used for illegal drug use or abuse in which case the
15 driver's driving privileges shall be suspended for one
16 year;

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

21 31. Has refused to submit to a test as required by
22 Section 11-501.6 or has submitted to a test resulting in an
23 alcohol concentration of 0.08 or more or any amount of a
24 drug, substance, or compound resulting from the unlawful
25 use or consumption of cannabis as listed in the Cannabis
26 Control Act, a controlled substance as listed in the

1 Illinois Controlled Substances Act, or an intoxicating
2 compound as listed in the Use of Intoxicating Compounds
3 Act, in which case the penalty shall be as prescribed in
4 Section 6-208.1;

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

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

14 34. Has committed a violation of Section 11-1301.5 of
15 this Code;

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

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

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

26 38. Has been convicted of a violation of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance;

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

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

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

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

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

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

25 (b) If any conviction forming the basis of a suspension or
26 revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the
2 order of suspension or revocation, as the case may be, provided
3 that a certified copy of a stay order of a court is filed with
4 the Secretary of State. If the conviction is affirmed on
5 appeal, the date of the conviction shall relate back to the
6 time the original judgment of conviction was entered and the 6
7 month limitation prescribed shall not apply.

8 (c) 1. Upon suspending or revoking the driver's license or
9 permit of any person as authorized in this Section, the
10 Secretary of State shall immediately notify the person in
11 writing of the revocation or suspension. The notice to be
12 deposited in the United States mail, postage prepaid, to
13 the last known address of the person.

14 2. If the Secretary of State suspends the driver's
15 license of a person under subsection 2 of paragraph (a) of
16 this Section, a person's privilege to operate a vehicle as
17 an occupation shall not be suspended, provided an affidavit
18 is properly completed, the appropriate fee received, and a
19 permit issued prior to the effective date of the
20 suspension, unless 5 offenses were committed, at least 2 of
21 which occurred while operating a commercial vehicle in
22 connection with the driver's regular occupation. All other
23 driving privileges shall be suspended by the Secretary of
24 State. Any driver prior to operating a vehicle for
25 occupational purposes only must submit the affidavit on
26 forms to be provided by the Secretary of State setting

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

15 The provisions of this subparagraph shall not apply to
16 any driver required to possess a CDL for the purpose of
17 operating a commercial motor vehicle.

18 Any person who falsely states any fact in the affidavit
19 required herein shall be guilty of perjury under Section
20 6-302 and upon conviction thereof shall have all driving
21 privileges revoked without further rights.

22 3. At the conclusion of a hearing under Section 2-118
23 of this Code, the Secretary of State shall either rescind
24 or continue an order of revocation or shall substitute an
25 order of suspension; or, good cause appearing therefor,
26 rescind, continue, change, or extend the order of

1 suspension. If the Secretary of State does not rescind the
2 order, the Secretary may upon application, to relieve undue
3 hardship, issue a restricted driving permit granting the
4 privilege of driving a motor vehicle between the
5 petitioner's residence and petitioner's place of
6 employment or within the scope of his employment related
7 duties, or to allow transportation for the petitioner, or a
8 household member of the petitioner's family, to receive
9 necessary medical care and if the professional evaluation
10 indicates, provide transportation for alcohol remedial or
11 rehabilitative activity, or for the petitioner to attend
12 classes, as a student, in an accredited educational
13 institution; if the petitioner is able to demonstrate that
14 no alternative means of transportation is reasonably
15 available and the petitioner will not endanger the public
16 safety or welfare.

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

25 If a person's license or permit has been revoked or
26 suspended 2 or more times within a 10 year period due to a

1 single conviction of violating Section 11-501 of this Code
2 or a similar provision of a local ordinance or a similar
3 out-of-state offense, and a statutory summary suspension
4 under Section 11-501.1, or 2 or more statutory summary
5 suspensions, or combination of 2 offenses, or of an offense
6 and a statutory summary suspension, arising out of separate
7 occurrences, that person, if issued a restricted driving
8 permit, may not operate a vehicle unless it has been
9 equipped with an ignition interlock device as defined in
10 Section 1-129.1. The person must pay to the Secretary of
11 State DUI Administration Fund an amount not to exceed \$20
12 per month. The Secretary shall establish by rule the amount
13 and the procedures, terms, and conditions relating to these
14 fees. If the restricted driving permit was issued for
15 employment purposes, then this provision does not apply to
16 the operation of an occupational vehicle owned or leased by
17 that person's employer. In each case the Secretary may
18 issue a restricted driving permit for a period deemed
19 appropriate, except that all permits shall expire within
20 one year from the date of issuance. The Secretary may not,
21 however, issue a restricted driving permit to any person
22 whose current revocation is the result of a second or
23 subsequent conviction for a violation of Section 11-501 of
24 this Code or a similar provision of a local ordinance
25 relating to the offense of operating or being in physical
26 control of a motor vehicle while under the influence of

1 alcohol, other drug or drugs, intoxicating compound or
2 compounds, or any similar out-of-state offense, or any
3 combination of those offenses, until the expiration of at
4 least one year from the date of the revocation. A
5 restricted driving permit issued under this Section shall
6 be subject to cancellation, revocation, and suspension by
7 the Secretary of State in like manner and for like cause as
8 a driver's license issued under this Code may be cancelled,
9 revoked, or suspended; except that a conviction upon one or
10 more offenses against laws or ordinances regulating the
11 movement of traffic shall be deemed sufficient cause for
12 the revocation, suspension, or cancellation of a
13 restricted driving permit. The Secretary of State may, as a
14 condition to the issuance of a restricted driving permit,
15 require the applicant to participate in a designated driver
16 remedial or rehabilitative program. The Secretary of State
17 is authorized to cancel a restricted driving permit if the
18 permit holder does not successfully complete the program.

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

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

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

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

11 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
12 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
13 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

14 (625 ILCS 5/6-306.3) (from Ch. 95 1/2, par. 6-306.3)

15 Sec. 6-306.3. License as bail.

16 (a) Except as provided in Section 6-306.4 of this Code, any
17 person arrested and charged with violation of Section 3-701,
18 3-707, or 3-710, or of any violation of Chapters 11 or 12 of
19 this Code, except the provisions of Sections 3-708, 11-401,
20 11-501, 11-503, ~~or~~ 11-504, or 11-506 of this Code shall have
21 the option of depositing his valid driver's license issued
22 under this Code with the officer demanding bail in lieu of any
23 other security for his appearance in court in answer to any
24 such charge.

25 (b) However, a uniform bail schedule and regulations

1 adopted pursuant to Supreme Court Rule or Order may require
2 that a driver's license issued under this Code must be
3 deposited, in addition to appropriate cash deposit, where
4 persons arrested and charged with violating Sections 3-708,
5 11-401, 11-501, 11-503, ~~or 11-504~~, or 11-506 of this Code elect
6 to take advantage of the uniform schedule establishing the
7 amount of bail in such cases.

8 (c) When a license is deposited as security in lieu of or
9 in addition to bail, the judge, court clerk, or other official
10 accepting such deposit shall issue to the licensee a receipt
11 for such license upon a form approved or provided by the
12 Secretary of State.

13 (d) If the licensee whose license has been deposited as
14 security for bail does not appear in court in compliance with
15 the time and place for hearing as notified in such receipt, or
16 the continued date thereof, if any has been ordered by the
17 court, the court shall continue the case for a minimum of 30
18 days and require a notice of the continued court date be sent
19 to the licensee at his last known address. The clerk of such
20 court shall notify the licensee of the court's order. If the
21 licensee does not appear in and surrender on the continued
22 court date, or within such period, satisfy the court that his
23 appearance in and surrender to the court is impossible and
24 without any fault on his part, the court shall enter an order
25 of failure to appear to answer such charge after depositing
26 license in lieu of bail. The clerk of such court shall notify

1 the Secretary of State of the court's order.

2 The Secretary of State, when notified by the clerk of such
3 court that an order of failure to appear to answer such charge
4 after depositing license in lieu of bail has been entered,
5 shall immediately suspend the driver's license of such licensee
6 without a hearing and shall not remove such suspension, nor
7 issue any hardship license or privilege to such licensee
8 thereafter until notified by such court that the licensee has
9 appeared and answered the charges placed against him.

10 (e) 1. Any Illinois resident who has executed a written
11 promise to comply with Section 6-306.2 of this Code, in effect
12 until July 28, 1986, shall continue to be suspended until he or
13 she complies with the terms and conditions of the written
14 promise.

15 2. The Secretary of State, when notified by the clerk of
16 such court that an order of failure to appear to answer a
17 charge after promising to appear has been entered, shall
18 immediately suspend the driver's license of such licensee
19 without a hearing and shall not remove such suspension, nor
20 issue a hardship license or privilege to such licensee
21 thereafter until notified by such court that the licensee has
22 appeared and answered the charges placed against him.

23 (Source: P.A. 88-315; 88-415; 88-670, eff. 12-2-94.)

24 (625 ILCS 5/6-306.4) (from Ch. 95 1/2, par. 6-306.4)

25 Sec. 6-306.4. Procedures for residents of other states. (a)

1 Except as provided in paragraph (b) of this Section, any
2 resident of another state which is a member of the Nonresident
3 Violator Compact of 1977, who is cited by a police officer for
4 violating a traffic law or ordinance, shall have the option of
5 (1) being taken without unnecessary delay before a court of
6 jurisdiction or (2) executing a written promise to comply with
7 the terms of the citation by signing at least one copy of a
8 Uniform Traffic Ticket prepared by the police officer. The
9 police officer may refuse to permit a nonresident violator to
10 execute a written promise to comply with the terms of the
11 citation if the nonresident violator cannot furnish
12 satisfactory evidence of identity or if the officer has
13 probable cause to believe the nonresident violator cited will
14 disregard the written promise to comply with the citation.

15 If the person cited is a resident of another State which is
16 not a member of the Nonresident Violator Compact of 1977, then
17 the rules established by the Supreme Court for bail bond and
18 appearance procedures apply.

19 (b) Any person cited for violating the following provisions
20 of this Code or a similar provision of local ordinances shall
21 be governed by the bail provisions of the Illinois Supreme
22 Court Rules when it is not practical or feasible to take the
23 person before a judge to have bail set or to avoid undue delay
24 because of the hour or circumstances: Section 3-101, Section
25 3-702, Sections 3-707, 3-708 or 3-710, Chapter 4, Chapter 5,
26 Section 6-101, Section 6-104, Section 6-113, Section 6-301,

1 Section 6-303, Section 8-115, Section 11-204, Section 11-310,
2 Section 11-311, Section 11-312, Section 11-401, Section
3 11-402, Section 11-403, Section 11-404, Section 11-409,
4 Section 11-501, Section 11-503, Section 11-504, Section
5 11-506, Section 11-601, when more than 30 m.p.h. over the
6 posted limit, Section 11-1006, Section 11-1414, Section
7 15-102, Section 15-103, Section 15-107, Section 15-111,
8 paragraph (f) of Section 15-112 or paragraph (j) of Section
9 15-301.

10 (c) If the person fails to comply with the executed written
11 promise to comply with the original terms of the citation as
12 indicated in paragraph (a) of this Section, the court shall
13 continue the case for a minimum of 30 days and require that a
14 notice of the continued court date be sent to the last known
15 address of such person. If the person does not appear or
16 otherwise satisfy the court on or before the continued court
17 date, the court shall enter an order of failure to appear to
18 answer such charge. The clerk of such court shall notify the
19 Secretary of State of the court's order within 21 days.

20 (d) Upon receiving such notice, the Secretary of State
21 shall comply with the provisions of Section 6-803 of this Code.
22 (Source: P.A. 86-149.)

23 (625 ILCS 5/11-506 new)

24 Sec. 11-506. Street racing; aggravated street racing.

25 (a) No person shall engage in street racing on any street

1 or highway of this State.

2 (b) No owner of any vehicle shall acquiesce in or permit
3 his or her vehicle to be used by another for the purpose of
4 street racing.

5 (c) For the purposes of this Section, the following words
6 shall have the meanings ascribed to them:

7 "Acquiesce" or "permit" means actual knowledge that the
8 motor vehicle was to be used for the purpose of street racing.

9 "Street racing" means:

10 (1) The operation of 2 or more vehicles from a point
11 side by side at accelerating speeds in a competitive
12 attempt to outdistance each other; or

13 (2) The operation of one or more vehicles over a common
14 selected course, each starting at the same point, for the
15 purpose of comparing the relative speeds or power of
16 acceleration of such vehicle or vehicles within a certain
17 distance or time limit; or

18 (3) The use of one or more vehicles in an attempt to
19 outgain or outdistance another vehicle; or

20 (4) The use of one or more vehicles to prevent another
21 vehicle from passing; or

22 (5) The use of one or more vehicles to arrive at a
23 given destination ahead of another vehicle or vehicles; or

24 (6) The use of one or more vehicles to test the
25 physical stamina or endurance of drivers over
26 long-distance driving routes.

1 (d) Penalties.

2 (1) Any person who is convicted of a violation of
3 subsection (a) shall be guilty of a Class A misdemeanor for
4 the first offense and shall be subject to a minimum fine of
5 \$250. Any person convicted of a violation of subsection (a)
6 a second or subsequent time shall be guilty of a Class 4
7 felony and shall be subject to a minimum fine of \$500. The
8 driver's license of any person convicted of subsection (a)
9 shall be revoked in the manner provided by Section 6-205 of
10 this Code.

11 (2) Any person who is convicted of a violation of
12 subsection (b) shall be guilty of a Class B misdemeanor.
13 Any person who is convicted of subsection (b) for a second
14 or subsequent time shall be guilty of a Class A
15 misdemeanor.

16 (3) Every person convicted of committing a violation of
17 subsection (a) of this Section shall be guilty of
18 aggravated street racing if the person, in committing a
19 violation of subsection (a) was involved in a motor vehicle
20 accident that resulted in great bodily harm or permanent
21 disability or disfigurement to another, where the
22 violation was a proximate cause of the injury. Aggravated
23 street racing is a Class 4 felony for which the defendant,
24 if sentenced to a term of imprisonment shall be sentenced
25 to not less than one year nor more than 12 years.

1 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

2 Sec. 12-603.1. Driver and passenger required to use safety
3 belts, exceptions and penalty.

4 (a) Each driver and front seat passenger of a motor vehicle
5 operated on a street or highway in this State shall wear a
6 properly adjusted and fastened seat safety belt; except that, a
7 child less than 8 years of age shall be protected as required
8 pursuant to the Child Passenger Protection Act. Each driver
9 under the age of 18 years and each of the driver's passengers
10 under the age of 19 years of a motor vehicle operated on a
11 street or highway in this State shall wear a properly adjusted
12 and fastened seat safety belt. Every passenger under the age of
13 19 in a vehicle being driven by a person over the age of 18 who
14 committed an offense against traffic regulations governing the
15 movement of vehicles or any violation of this Section or
16 Section 6-107 of this Code within 6 months prior to the
17 driver's 18th birthday and was subsequently convicted of the
18 violation, shall wear a properly adjusted and fastened seat
19 safety belt, until such time as a period of 6 consecutive
20 months has elapsed without the driver receiving an additional
21 violation and subsequent conviction of an offense against
22 traffic regulations governing the movement of vehicles or any
23 violation of this Section or Section 6-107 of this Code. Each
24 driver of a motor vehicle transporting a child 8 years of age
25 or more, but less than 16 years of age, shall secure the child
26 in a properly adjusted and fastened seat safety belt as

1 required under the Child Passenger Protection Act.

2 (b) Paragraph (a) shall not apply to any of the following:

3 1. A driver or passenger frequently stopping and
4 leaving the vehicle or delivering property from the
5 vehicle, if the speed of the vehicle between stops does not
6 exceed 15 miles per hour.

7 2. A driver or passenger possessing a written statement
8 from a physician that such person is unable, for medical or
9 physical reasons, to wear a seat safety belt.

10 3. A driver or passenger possessing an official
11 certificate or license endorsement issued by the
12 appropriate agency in another state or country indicating
13 that the driver is unable for medical, physical, or other
14 valid reasons to wear a seat safety belt.

15 4. A driver operating a motor vehicle in reverse.

16 5. A motor vehicle with a model year prior to 1965.

17 6. A motorcycle or motor driven cycle.

18 7. A motorized pedalcycle.

19 8. A motor vehicle which is not required to be equipped
20 with seat safety belts under federal law.

21 9. A motor vehicle operated by a rural letter carrier
22 of the United States postal service while performing duties
23 as a rural letter carrier.

24 (c) Failure to wear a seat safety belt in violation of this
25 Section shall not be considered evidence of negligence, shall
26 not limit the liability of an insurer, and shall not diminish

1 any recovery for damages arising out of the ownership,
2 maintenance, or operation of a motor vehicle.

3 (d) A violation of this Section shall be a petty offense
4 and subject to a fine not to exceed \$25.

5 (e) (Blank).

6 (f) A law enforcement officer may not search or inspect a
7 motor vehicle, its contents, the driver, or a passenger solely
8 because of a violation of this Section.

9 (Source: P.A. 93-99, eff. 7-3-03; 94-239, eff. 1-1-06; 94-241,
10 eff. 1-1-06; revised 8-19-05.)

11 (625 ILCS 5/12-610.1)

12 Sec. 12-610.1. Wireless telephones.

13 (a) As used in this Section, "wireless telephone" means a
14 device that is capable of transmitting or receiving telephonic
15 communications without a wire connecting the device to the
16 telephone network.

17 (b) A person under the age of 18 years who holds an
18 instruction permit issued under Section 6-105 or 6-107.1, or a
19 person under the age of 18 years who holds a graduated license
20 issued under Section 6-107, may not drive a vehicle on a
21 roadway while using a wireless phone.

22 (c) This Section does not apply to a person under the age
23 of 18 years using a wireless telephone for emergency purposes,
24 including, but not limited to, an emergency call to a law
25 enforcement agency, health care provider, fire department, or

1 other emergency services agency or entity.

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

14 (Source: P.A. 94-240, eff. 7-15-05.)

15 (625 ILCS 5/16-107) (from Ch. 95 1/2, par. 16-107)

16 Sec. 16-107. Appearance of parent or guardian of minor in
17 certain court proceedings - Judicial discretion. (a) Whenever
18 an unemancipated minor is required to appear in court pursuant
19 to a citation for violation of any Section or any subsection of
20 any Section of this Act specified in subsection (b) of this
21 Section, the court may require that a parent or guardian of the
22 minor accompany the minor and appear before the court with the
23 minor, unless, in the discretion of the court, such appearance
24 would be unreasonably burdensome under the circumstances.

25 (b) This Section shall apply whenever an unemancipated

1 minor is charged with violation of any of the following
2 Sections and subsections of this Act:

3 1) Sections 3-701, 3-702 and 3-703;

4 2) Sections 4-102, 4-103, 4-104 and 4-105;

5 3) Section 6-101, subsections (a), (b) and (c) of Section
6 6-104, and Sections 6-113, 6-301, 6-302, 6-303 and 6-304;

7 4) Sections 11-203 and 11-204, subsection (b) of Section
8 11-305, Sections 11-311, 11-312, 11-401, 11-402, 11-403,
9 11-404, 11-407, 11-409, 11-501, 11-502, 11-503, ~~and~~ 11-504,
10 11-506, subsection (b) of Section 11-601, Sections 11-704,
11 11-707, 11-1007, 11-1403, 11-1404 and subsection (a) of Section
12 11-1414.

13 (Source: P.A. 80-646.)

14 (625 ILCS 5/11-504 rep.)

15 Section 15. The Illinois Vehicle Code is amended by
16 repealing Section 11-504.

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

19 (625 ILCS 25/4b)

20 Sec. 4b. Children 8 years of age or older but under the age
21 of 19; seat belts. Every person under the age of 18 years, when
22 transporting a child 8 years of age or older but under the age
23 of 19 years, as provided in Section 4 of this Act, shall be

1 responsible for securing that child in a properly adjusted and
2 fastened seat safety belt or an appropriate child restraint
3 system. This Section shall also apply to each driver over the
4 age of 18 years who committed an offense against traffic
5 regulations governing the movement of vehicles or any violation
6 of Section 6-107 or Section 12-603.1 of this Code within 6
7 months of the driver's 18th birthday and was subsequently
8 convicted of the violation, until such time as a period of 6
9 consecutive months has elapsed without an additional violation
10 and subsequent conviction of an offense against traffic
11 regulations governing the movement of vehicles or any violation
12 of Section 6-107 or Section 12-603.1 of this Code.

13 (Source: P.A. 93-100, eff. 1-1-04; 94-241, eff. 1-1-06.)

14 Section 25. The Unified Code of Corrections is amended by
15 changing Section 5-6-1 as follows:

16 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

17 Sec. 5-6-1. Sentences of Probation and of Conditional
18 Discharge and Disposition of Supervision. The General Assembly
19 finds that in order to protect the public, the criminal justice
20 system must compel compliance with the conditions of probation
21 by responding to violations with swift, certain and fair
22 punishments and intermediate sanctions. The Chief Judge of each
23 circuit shall adopt a system of structured, intermediate
24 sanctions for violations of the terms and conditions of a

1 sentence of probation, conditional discharge or disposition of
2 supervision.

3 (a) Except where specifically prohibited by other
4 provisions of this Code, the court shall impose a sentence of
5 probation or conditional discharge upon an offender unless,
6 having regard to the nature and circumstance of the offense,
7 and to the history, character and condition of the offender,
8 the court is of the opinion that:

9 (1) his imprisonment or periodic imprisonment is
10 necessary for the protection of the public; or

11 (2) probation or conditional discharge would deprecate
12 the seriousness of the offender's conduct and would be
13 inconsistent with the ends of justice; or

14 (3) a combination of imprisonment with concurrent or
15 consecutive probation when an offender has been admitted
16 into a drug court program under Section 20 of the Drug
17 Court Treatment Act is necessary for the protection of the
18 public and for the rehabilitation of the offender.

19 The court shall impose as a condition of a sentence of
20 probation, conditional discharge, or supervision, that the
21 probation agency may invoke any sanction from the list of
22 intermediate sanctions adopted by the chief judge of the
23 circuit court for violations of the terms and conditions of the
24 sentence of probation, conditional discharge, or supervision,
25 subject to the provisions of Section 5-6-4 of this Act.

26 (b) The court may impose a sentence of conditional

1 discharge for an offense if the court is of the opinion that
2 neither a sentence of imprisonment nor of periodic imprisonment
3 nor of probation supervision is appropriate.

4 (b-1) Subsections (a) and (b) of this Section do not apply
5 to a defendant charged with a misdemeanor or felony under the
6 Illinois Vehicle Code or reckless homicide under Section 9-3 of
7 the Criminal Code of 1961 if the defendant within the past 12
8 months has been convicted of or pleaded guilty to a misdemeanor
9 or felony under the Illinois Vehicle Code or reckless homicide
10 under Section 9-3 of the Criminal Code of 1961.

11 (c) The court may, upon a plea of guilty or a stipulation
12 by the defendant of the facts supporting the charge or a
13 finding of guilt, defer further proceedings and the imposition
14 of a sentence, and enter an order for supervision of the
15 defendant, if the defendant is not charged with: (i) a Class A
16 misdemeanor, as defined by the following provisions of the
17 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
18 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
19 paragraph (1) through (5), (8), (10), and (11) of subsection
20 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
21 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
22 Act; or (iii) felony. If the defendant is not barred from
23 receiving an order for supervision as provided in this
24 subsection, the court may enter an order for supervision after
25 considering the circumstances of the offense, and the history,
26 character and condition of the offender, if the court is of the

1 opinion that:

2 (1) the offender is not likely to commit further
3 crimes;

4 (2) the defendant and the public would be best served
5 if the defendant were not to receive a criminal record; and

6 (3) in the best interests of justice an order of
7 supervision is more appropriate than a sentence otherwise
8 permitted under this Code.

9 (d) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating Section 11-501 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance when
12 the defendant has previously been:

13 (1) convicted for a violation of Section 11-501 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance or any similar law or ordinance of another state;
16 or

17 (2) assigned supervision for a violation of Section
18 11-501 of the Illinois Vehicle Code or a similar provision
19 of a local ordinance or any similar law or ordinance of
20 another state; or

21 (3) pleaded guilty to or stipulated to the facts
22 supporting a charge or a finding of guilty to a violation
23 of Section 11-503 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance or any similar law or
25 ordinance of another state, and the plea or stipulation was
26 the result of a plea agreement.

1 The court shall consider the statement of the prosecuting
2 authority with regard to the standards set forth in this
3 Section.

4 (e) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating Section 16A-3 of the Criminal
6 Code of 1961 if said defendant has within the last 5 years
7 been:

8 (1) convicted for a violation of Section 16A-3 of the
9 Criminal Code of 1961; or

10 (2) assigned supervision for a violation of Section
11 16A-3 of the Criminal Code of 1961.

12 The court shall consider the statement of the prosecuting
13 authority with regard to the standards set forth in this
14 Section.

15 (f) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Sections 15-111, 15-112,
17 15-301, paragraph (b) of Section 6-104, Section 11-605, or
18 Section 11-1414 of the Illinois Vehicle Code or a similar
19 provision of a local ordinance.

20 (g) Except as otherwise provided in paragraph (i) of this
21 Section, the provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 3-707, 3-708, 3-710,
23 or 5-401.3 of the Illinois Vehicle Code or a similar provision
24 of a local ordinance if the defendant has within the last 5
25 years been:

26 (1) convicted for a violation of Section 3-707, 3-708,

1 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
2 provision of a local ordinance; or

3 (2) assigned supervision for a violation of Section
4 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
5 Code or a similar provision of a local ordinance.

6 The court shall consider the statement of the prosecuting
7 authority with regard to the standards set forth in this
8 Section.

9 (h) The provisions of paragraph (c) shall not apply to a
10 defendant under the age of 21 years charged with violating a
11 serious traffic offense as defined in Section 1-187.001 of the
12 Illinois Vehicle Code:

13 (1) unless the defendant, upon payment of the fines,
14 penalties, and costs provided by law, agrees to attend and
15 successfully complete a traffic safety program approved by
16 the court under standards set by the Conference of Chief
17 Circuit Judges. The accused shall be responsible for
18 payment of any traffic safety program fees. If the accused
19 fails to file a certificate of successful completion on or
20 before the termination date of the supervision order, the
21 supervision shall be summarily revoked and conviction
22 entered. The provisions of Supreme Court Rule 402 relating
23 to pleas of guilty do not apply in cases when a defendant
24 enters a guilty plea under this provision; or

25 (2) if the defendant has previously been sentenced
26 under the provisions of paragraph (c) on or after January

1 1, 1998 for any serious traffic offense as defined in
2 Section 1-187.001 of the Illinois Vehicle Code.

3 (h-1) The provisions of paragraph (c) shall not apply to a
4 defendant under the age of 21 years charged with an offense
5 against traffic regulations governing the movement of vehicles
6 or any violation of Section 6-107 or Section 12-603.1 of the
7 Illinois Vehicle Code, unless the defendant, upon payment of
8 the fines, penalties, and costs provided by law, agrees to
9 attend and successfully complete a traffic safety program
10 approved by the court under standards set by the Conference of
11 Chief Circuit Judges. The accused shall be responsible for
12 payment of any traffic safety program fees. If the accused
13 fails to file a certificate of successful completion on or
14 before the termination date of the supervision order, the
15 supervision shall be summarily revoked and conviction entered.
16 The provisions of Supreme Court Rule 402 relating to pleas of
17 guilty do not apply in cases when a defendant enters a guilty
18 plea under this provision.

19 (i) The provisions of paragraph (c) shall not apply to a
20 defendant charged with violating Section 3-707 of the Illinois
21 Vehicle Code or a similar provision of a local ordinance if the
22 defendant has been assigned supervision for a violation of
23 Section 3-707 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance.

25 (j) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating Section 6-303 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance when
2 the revocation or suspension was for a violation of Section
3 11-501 or a similar provision of a local ordinance, a violation
4 of Section 11-501.1 or paragraph (b) of Section 11-401 of the
5 Illinois Vehicle Code, or a violation of Section 9-3 of the
6 Criminal Code of 1961 if the defendant has within the last 10
7 years been:

8 (1) convicted for a violation of Section 6-303 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance; or

11 (2) assigned supervision for a violation of Section
12 6-303 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance.

14 (k) The provisions of paragraph (c) shall not apply to a
15 defendant charged with violating any provision of the Illinois
16 Vehicle Code or a similar provision of a local ordinance that
17 governs the movement of vehicles if, within the 12 months
18 preceding the date of the defendant's arrest, the defendant has
19 been assigned court supervision on 2 occasions for a violation
20 that governs the movement of vehicles under the Illinois
21 Vehicle Code or a similar provision of a local ordinance.

22 (l) A defendant charged with violating any provision of the
23 Illinois Vehicle Code who, after a court appearance in the same
24 matter, receives a disposition of supervision under subsection
25 (c) shall pay an additional fee of \$20, to be collected as
26 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.

1 In addition to the \$20 fee, the person shall also pay a fee of
2 \$5, which, if not waived by the court, shall be collected as
3 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
4 The \$20 fee shall be disbursed as provided in Section 16-104c
5 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
6 of the fee shall be deposited into the Circuit Court Clerk
7 Operation and Administrative Fund created by the Clerk of the
8 Circuit Court and 50 cents of the fee shall be deposited into
9 the Prisoner Review Board Vehicle and Equipment Fund in the
10 State treasury.

11 (m) The provisions of paragraph (c) shall not apply to any
12 person under the age of 18 who commits an offense against
13 traffic regulations governing the movement of vehicles or any
14 violation of Section 6-107 or Section 12-603.1 of the Illinois
15 Vehicle Code, except upon personal appearance of the defendant
16 in court and upon the written consent of the defendant's parent
17 or legal guardian, executed before the presiding judge. The
18 presiding judge shall have the authority to waive this
19 requirement upon the showing of good cause by the defendant.

20 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
21 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
22 94-1009, eff. 1-1-07.)

23 Section 99. Effective date. This Act takes effect January
24 1, 2008, except that Section 5 takes effect July 1, 2008.

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Statutes amended in order of appearance

3	105 ILCS 5/27-24.3	from Ch. 122, par. 27-24.3
4	625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
5	625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
6	625 ILCS 5/6-106.2	from Ch. 95 1/2, par. 6-106.2
7	625 ILCS 5/6-106.3	from Ch. 95 1/2, par. 6-106.3
8	625 ILCS 5/6-106.4	from Ch. 95 1/2, par. 6-106.4
9	625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
10	625 ILCS 5/6-107.1	
11	625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110
12	625 ILCS 5/6-113	from Ch. 95 1/2, par. 6-113
13	625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
14	625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
15	625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
16	625 ILCS 5/6-306.3	from Ch. 95 1/2, par. 6-306.3
17	625 ILCS 5/6-306.4	from Ch. 95 1/2, par. 6-306.4
18	625 ILCS 5/11-506 new	
19	625 ILCS 5/12-603.1	from Ch. 95 1/2, par. 12-603.1
20	625 ILCS 5/12-610.1	
21	625 ILCS 5/16-107	from Ch. 95 1/2, par. 16-107
22	625 ILCS 5/11-504 rep.	
23	625 ILCS 25/4b	
24	730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1