

SB0682



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0682

Introduced 2/8/2007, by Sen. Michael Bond

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Changes several provisions to bring them into compliance with the Federal Motor Carrier Safety Development Act of 1999. Provides that the prohibition against driving under the influence of alcohol or drugs applies to driving under the influence of methamphetamine. Makes corresponding changes. Effective immediately.

LRB095 04306 DRH 31220 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL 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 Illinois Vehicle Code is amended by changing
5 Sections 1-111.6, 6-113, 6-117, 6-201, 6-204, 6-205, 6-206,
6 6-207, 6-306.6, 6-500, 6-501, 6-506, 6-507, 6-508, 6-509,
7 6-510, 6-513, 6-514, 6-519, 6-520, 6-521, 6-524, 11-501.1,
8 11-501.6, and 11-501.8 as follows:

9 (625 ILCS 5/1-111.6)

10 Sec. 1-111.6. Commercial driver's license (CDL). A
11 ~~driver's~~ license issued by a state or other jurisdiction, in
12 accordance with the standards contained in 49 C.F.R. Part 383,
13 to an individual which ~~a person that~~ authorizes the individual
14 ~~that person~~ to operate ~~drive~~ a ~~certain~~ class of a commercial
15 motor vehicle ~~or vehicles~~.

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

17 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

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

19 (a) The Secretary of State upon issuing a drivers license
20 or permit shall have the authority whenever good cause appears
21 to impose restrictions suitable to the licensee's driving
22 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. This
13 subsection (c) does not apply to any driver required to possess
14 a CDL for the purpose of operating a commercial motor vehicle.
15 The Secretary of State shall promulgate rules pursuant to The
16 Illinois Administrative Procedure Act, setting forth the
17 conditions and criteria for the issuance and cancellation of
18 probationary licenses.

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

25 (e) It is unlawful for any person to operate a motor
26 vehicle in any manner in violation of the restrictions imposed

1 on a restricted license or permit issued to him.

2 (f) Whenever the holder of a restricted driving permit is
3 issued a citation for any of the following offenses including
4 similar local ordinances, the restricted driving permit is
5 immediately invalidated:

6 1. Reckless homicide resulting from the operation of a
7 motor vehicle;

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

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

14 4. Violation of Section 11-504 of this Act relating to
15 the offense of drag 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 5/6-117) (from Ch. 95 1/2, par. 6-117)

8 Sec. 6-117. Records to be kept by the Secretary of State.

9 (a) The Secretary of State shall file every application for
10 a license or permit accepted under this Chapter, and shall
11 maintain suitable indexes thereof. The records of the Secretary
12 of State shall indicate the action taken with respect to such
13 applications.

14 (b) The Secretary of State shall maintain appropriate
15 records of all licenses and permits refused, cancelled,
16 disqualified, revoked, or suspended and of the revocation, ~~and~~
17 suspension, and disqualification of driving privileges of
18 persons not licensed under this Chapter, and such records shall
19 note the reasons for such action.

20 (c) The Secretary of State shall maintain appropriate
21 records of convictions reported under this Chapter. Records of
22 conviction may be maintained in a computer processible medium.

23 (d) The Secretary of State may also maintain appropriate
24 records of any accident reports received.

25 (e) The Secretary of State shall also maintain appropriate

1 records of any disposition of supervision or records relative
2 to a driver's referral to a driver remedial or rehabilitative
3 program, as required by the Secretary of State or the courts.
4 Such records shall only be available for use by the Secretary,
5 the driver licensing administrator of any other state, law
6 enforcement agencies, the courts, and the affected driver or,
7 upon proper verification, such affected driver's attorney.

8 (f) The Secretary of State shall also maintain or contract
9 to maintain appropriate records of all photographs and
10 signatures obtained in the process of issuing any driver's
11 license, permit, or identification card. The record shall be
12 confidential and shall not be disclosed except to those
13 entities listed under Section 6-110.1 of this Code.

14 (g) The Secretary of State may establish a First Person
15 Consent organ and tissue donor registry in compliance with
16 subsection (b-1) of Section 5-20 of the Illinois Anatomical
17 Gift Act, as follows:

18 (1) The Secretary shall offer, to each applicant
19 for issuance or renewal of a driver's license or
20 identification card who is 18 years of age or older, the
21 opportunity to have his or her name included in the First
22 Person Consent organ and tissue donor registry. The
23 Secretary must advise the applicant or licensee that he or
24 she is under no compulsion to have his or her name included
25 in the registry. An individual who agrees to having his or
26 her name included in the First Person Consent organ and

1 tissue donor registry has given full legal consent to the
2 donation of any of his or her organs or tissue upon his or
3 her death. A brochure explaining this method of executing
4 an anatomical gift must be given to each applicant for
5 issuance or renewal of a driver's license or identification
6 card. The brochure must advise the applicant or licensee
7 (i) that he or she is under no compulsion to have his or
8 her name included in this registry and (ii) that he or she
9 may wish to consult with family, friends, or clergy before
10 doing so.

11 (2) The Secretary of State may establish
12 additional methods by which an individual may have his or
13 her name included in the First Person Consent organ and
14 tissue donor registry.

15 (3) When an individual has agreed to have his or
16 her name included in the First Person Consent organ and
17 tissue donor registry, the Secretary of State shall note
18 that agreement in the First Person consent organ and tissue
19 donor registry. Representatives of federally designated
20 organ procurement agencies and tissue banks may inquire of
21 the Secretary of State whether a potential organ donor's
22 name is included in the First Person Consent organ and
23 tissue donor registry, and the Secretary of State may
24 provide that information to the representative.

25 (4) An individual may withdraw his or her consent
26 to be listed in the First Person Consent organ and tissue

1 donor registry maintained by the Secretary of State by
2 notifying the Secretary of State in writing, or by any
3 other means approved by the Secretary, of the individual's
4 decision to have his or her name removed from the registry.

5 (5) The Secretary of State may undertake
6 additional efforts, including education and awareness
7 activities, to promote organ and tissue donation.

8 (6) In the absence of gross negligence or willful
9 misconduct, the Secretary of State and his or her employees
10 are immune from any civil or criminal liability in
11 connection with an individual's consent to be listed in the
12 organ and tissue donor registry.

13 (Source: P.A. 94-75, eff. 1-1-06.)

14 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

15 Sec. 6-201. Authority to cancel licenses and permits.

16 (a) The Secretary of State is authorized to cancel any
17 license or permit upon determining that the holder thereof:

18 1. was not entitled to the issuance thereof hereunder;

19 or

20 2. failed to give the required or correct information
21 in his application; or

22 3. failed to pay any fees, civil penalties owed to the
23 Illinois Commerce Commission, or taxes due under this Act
24 and upon reasonable notice and demand; or

25 4. committed any fraud in the making of such

1 application; or

2 5. is ineligible therefor under the provisions of
3 Section 6-103 of this Act, as amended; or

4 6. has refused or neglected to submit an alcohol, drug,
5 and intoxicating compound evaluation or to submit to
6 examination or re-examination as required under this Act;
7 or

8 7. has been convicted of violating the Cannabis Control
9 Act, the Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act, or
11 the Use of Intoxicating Compounds Act while that individual
12 was in actual physical control of a motor vehicle. For
13 purposes of this Section, any person placed on probation
14 under Section 10 of the Cannabis Control Act, Section 410
15 of the Illinois Controlled Substances Act, or Section 70 of
16 the Methamphetamine Control and Community Protection Act
17 shall not be considered convicted. Any person found guilty
18 of this offense, while in actual physical control of a
19 motor vehicle, shall have an entry made in the court record
20 by the judge that this offense did occur while the person
21 was in actual physical control of a motor vehicle and order
22 the clerk of the court to report the violation to the
23 Secretary of State as such. After the cancellation, the
24 Secretary of State shall not issue a new license or permit
25 for a period of one year after the date of cancellation.
26 However, upon application, the Secretary of State may, if

1 satisfied that the person applying will not endanger the
2 public safety, or welfare, issue a restricted driving
3 permit granting the privilege of driving a motor vehicle
4 between the person's residence and person's place of
5 employment or within the scope of the person's employment
6 related duties, or to allow transportation for the person
7 or a household member of the person's family for the
8 receipt of necessary medical care or, if the professional
9 evaluation indicates, provide transportation for the
10 petitioner for alcohol remedial or rehabilitative
11 activity, or for the person to attend classes, as a
12 student, in an accredited educational institution; if the
13 person is able to demonstrate that no alternative means of
14 transportation is reasonably available; provided that the
15 Secretary's discretion shall be limited to cases where
16 undue hardship would result from a failure to issue such
17 restricted driving permit. In each case the Secretary of
18 State may issue such restricted driving permit for such
19 period as he deems appropriate, except that such permit
20 shall expire within one year from the date of issuance. A
21 restricted driving permit issued hereunder shall be
22 subject to cancellation, revocation and suspension by the
23 Secretary of State in like manner and for like cause as a
24 driver's license issued hereunder may be cancelled,
25 revoked or suspended; except that a conviction upon one or
26 more offenses against laws or ordinances regulating the

1 movement of traffic shall be deemed sufficient cause for
2 the revocation, suspension or cancellation of a restricted
3 driving permit. The Secretary of State may, as a condition
4 to the issuance of a restricted driving permit, require the
5 applicant to participate in a driver remedial or
6 rehabilitative program. In accordance with 49 C.F.R. 384,
7 the Secretary of State may not issue a restricted driving
8 permit for the operation of a commercial motor vehicle to a
9 person holding a CDL whose driving privileges have been
10 revoked, suspended, cancelled, or disqualified under this
11 Code; or

12 8. failed to submit a report as required by Section
13 6-116.5 of this Code; or

14 9. has been convicted of a sex offense as defined in
15 the Sex Offender Registration Act. The driver's license
16 shall remain cancelled until the driver registers as a sex
17 offender as required by the Sex Offender Registration Act,
18 proof of the registration is furnished to the Secretary of
19 State and the sex offender provides proof of current
20 address to the Secretary; or-

21 10. 9. is ineligible for a license or permit under
22 Section 6-107, 6-107.1, or 6-108 of this Code; or-

23 11. refused or neglected to appear at a Driver Services
24 facility to have the license or permit corrected and a new
25 license or permit issued.

26 (b) Upon such cancellation the licensee or permittee must

1 surrender the license or permit so cancelled to the Secretary
2 of State.

3 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
4 Secretary of State shall have exclusive authority to grant,
5 issue, deny, cancel, suspend and revoke driving privileges,
6 drivers' licenses and restricted driving permits.

7 (d) The Secretary of State may adopt rules to implement
8 this Section.

9 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
10 94-993, eff. 1-1-07; revised 8-3-06.)

11 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

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

23 (1) Whenever any person is convicted of any offense for
24 which this Code makes mandatory the cancellation or
25 revocation of the driver's license or permit of such person

1 by the Secretary of State, the judge of the court in which
2 such conviction is had shall require the surrender to the
3 clerk of the court of all driver's licenses or permits then
4 held by the person so convicted, and the clerk of the court
5 shall, within 5 days thereafter, forward the same, together
6 with a report of such conviction, to the Secretary.

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

1 operated on highways), 12-710 (splash guards and
2 replacements), 13-101 (safety tests), 15-101 (size, weight
3 and load), 15-102 (width), 15-103 (height), 15-104 (name
4 and address on second division vehicles), 15-107 (length of
5 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
6 15-112 (weights), 15-301 (weights), 15-316 (weights),
7 15-318 (weights), and also excepting the following
8 enumerated Sections of the Chicago Municipal Code:
9 Sections 27-245 (following fire apparatus), 27-254
10 (obstruction of traffic), 27-258 (driving vehicle which is
11 in unsafe condition), 27-259 (coasting on downgrade),
12 27-264 (use of horns and signal devices), 27-265
13 (obstruction to driver's view or driver mechanism), 27-267
14 (dimming of headlights), 27-268 (unattended motor
15 vehicle), 27-272 (illegal funeral procession), 27-273
16 (funeral procession on boulevard), 27-275 (driving freight
17 hauling vehicles on boulevard), 27-276 (stopping and
18 standing of buses or taxicabs), 27-277 (cruising of public
19 passenger vehicles), 27-305 (parallel parking), 27-306
20 (diagonal parking), 27-307 (parking not to obstruct
21 traffic), 27-308 (stopping, standing or parking
22 regulated), 27-311 (parking regulations), 27-312 (parking
23 regulations), 27-313 (parking regulations), 27-314
24 (parking regulations), 27-315 (parking regulations),
25 27-316 (parking regulations), 27-317 (parking
26 regulations), 27-318 (parking regulations), 27-319

1 (parking regulations), 27-320 (parking regulations),
2 27-321 (parking regulations), 27-322 (parking
3 regulations), 27-324 (loading and unloading at an angle),
4 27-333 (wheel and axle loads), 27-334 (load restrictions in
5 the downtown district), 27-335 (load restrictions in
6 residential areas), 27-338 (width of vehicles), 27-339
7 (height of vehicles), 27-340 (length of vehicles), 27-352
8 (reflectors on trailers), 27-353 (mufflers), 27-354
9 (display of plates), 27-355 (display of city vehicle tax
10 sticker), 27-357 (identification of vehicles), 27-358
11 (projecting of loads), and also excepting the following
12 enumerated paragraphs of Section 2-201 of the Rules and
13 Regulations of the Illinois State Toll Highway Authority:
14 (l) (driving unsafe vehicle on tollway), (m) (vehicles
15 transporting dangerous cargo not properly indicated), it
16 shall be the duty of the clerk of the court in which such
17 conviction is had within 5 days thereafter to forward to
18 the Secretary of State a report of the conviction and the
19 court may recommend the suspension of the driver's license
20 or permit of the person so convicted.

21 The reporting requirements of this subsection shall apply
22 to all violations stated in paragraphs (1) and (2) of this
23 subsection when the individual has been adjudicated under the
24 Juvenile Court Act or the Juvenile Court Act of 1987. Such
25 reporting requirements shall also apply to individuals
26 adjudicated under the Juvenile Court Act or the Juvenile Court

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

24 The reporting requirements of this subsection (a)
25 apply to all violations listed in paragraphs (1) and (2) of
26 this subsection (a), excluding parking violations, when

1 the driver holds a CDL, regardless of the type of vehicle
2 in which the violation occurred, or when any driver
3 committed the violation in a commercial motor vehicle as
4 defined in Section 6-500 of this Code.

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

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

22 (5) Reports of conviction under this Code and
23 sentencing hearings under the Juvenile Court Act of 1987 in
24 an electronic format or a computer processible medium shall
25 be forwarded to the Secretary of State via the Supreme
26 Court in the form and format required by the Illinois

1 Supreme Court and established by a written agreement
2 between the Supreme Court and the Secretary of State. In
3 counties with a population over 300,000, instead of
4 forwarding reports to the Supreme Court, reports of
5 conviction under this Code and sentencing hearings under
6 the Juvenile Court Act of 1987 in an electronic format or a
7 computer processible medium may be forwarded to the
8 Secretary of State by the Circuit Court Clerk in a form and
9 format required by the Secretary of State and established
10 by written agreement between the Circuit Court Clerk and
11 the Secretary of State. Failure to forward the reports of
12 conviction or sentencing hearing under the Juvenile Court
13 Act of 1987 as required by this Section shall be deemed an
14 omission of duty and it shall be the duty of the several
15 State's Attorneys to enforce the requirements of this
16 Section.

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

24 (c) For the purposes of this Code, a forfeiture of bail or
25 collateral deposited to secure a defendant's appearance in
26 court when forfeiture has not been vacated, or the failure of a

1 defendant to appear for trial after depositing his driver's
2 license in lieu of other bail, shall be equivalent to a
3 conviction.

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

1 authorities, ~~and~~ the Secretary of State, and the driver
2 licensing administrator of any other state. In accordance with
3 49 C.F.R. Part 384, all reports of court supervision, except
4 violations related to parking, shall be forwarded to the
5 Secretary of State for all holders of a CDL or any driver who
6 commits an offense while driving a commercial motor vehicle.
7 These reports shall be recorded to the driver's record as a
8 conviction for use in the disqualification of the driver's
9 commercial motor vehicle privileges and shall not be privileged
10 information.

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

12 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

13 Sec. 6-205. Mandatory revocation of license or permit;
14 Hardship cases.

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

19 1. Reckless homicide resulting from the operation of a
20 motor vehicle;

21 2. Violation of Section 11-501 of this Code or a
22 similar provision of a local ordinance relating to the
23 offense of operating or being in physical control of a
24 vehicle while under the influence of alcohol, other drug or
25 drugs, intoxicating compound or compounds, or any

1 combination thereof;

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

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

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

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

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

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

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

20 10. Violation of Section 12-5 of the Criminal Code of
21 1961 arising from the use of a motor vehicle;

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

25 12. Violation of paragraph (1) of subsection (b) of
26 Section 6-507, or a similar law of any other state,

1 relating to the unlawful operation of a commercial motor
2 vehicle;

3 13. Violation of paragraph (a) of Section 11-502 of
4 this Code or a similar provision of a local ordinance if
5 the driver has been previously convicted of a violation of
6 that Section or a similar provision of a local ordinance
7 and the driver was less than 21 years of age at the time of
8 the offense.

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

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

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

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

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

14 If a person's license or permit has been revoked or
15 suspended due to 2 or more convictions of violating Section
16 11-501 of this Code or a similar provision of a local ordinance
17 or a similar out-of-state offense, arising out of separate
18 occurrences, that person, if issued a restricted driving
19 permit, may not operate a vehicle unless it has been equipped
20 with an ignition interlock device as defined in Section
21 1-129.1.

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

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

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

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

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

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

18 If a person's license or permit has been revoked or
19 suspended 2 or more times within a 10 year period due to a
20 single conviction of violating Section 11-501 of this Code or a
21 similar provision of a local ordinance or a similar
22 out-of-state offense, and a statutory summary suspension under
23 Section 11-501.1, or 2 or more statutory summary suspensions,
24 or combination of 2 offenses, or of an offense and a statutory
25 summary suspension, arising out of separate occurrences, that
26 person, if issued a restricted driving permit, may not operate

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

20 (e) This Section is subject to the provisions of the Driver
21 License Compact.

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

26 (g) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose
2 driving privileges have been revoked under any provisions of
3 this Code.

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

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

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

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

25 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

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

23 4. Has by the unlawful operation of a motor vehicle
24 caused or contributed to an accident resulting in death or
25 injury requiring immediate professional treatment in a
26 medical facility or doctor's office to any person, except

1 that any suspension or revocation imposed by the Secretary
2 of State under the provisions of this subsection shall
3 start no later than 6 months after being convicted of
4 violating a law or ordinance regulating the movement of
5 traffic, which violation is related to the accident, or
6 shall start not more than one year after the date of the
7 accident, whichever date occurs later;

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

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

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

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

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

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

26 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to
2 obtain a driver's license or permit was revoked or
3 suspended unless the operation was authorized by a judicial
4 driving permit, probationary license to drive, or a
5 restricted driving permit issued under this Code;

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

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

14 14. Has committed a violation of Section 6-301,
15 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
16 of the Illinois Identification Card Act;

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

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

23 17. Has refused to submit to a test, or tests, as
24 required under Section 11-501.1 of this Code and the person
25 has not sought a hearing as provided for in Section
26 11-501.1;

1 18. Has, since issuance of a driver's license or
2 permit, been adjudged to be afflicted with or suffering
3 from any mental disability or disease;

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

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

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

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

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

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

1 6-206 of this Code;

2 25. Has permitted any form of identification to be used
3 by another in the application process in order to obtain or
4 attempt to obtain a license, identification card, or
5 permit;

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

9 27. Has violated Section 6-16 of the Liquor Control Act
10 of 1934;

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

1 Control and Community Protection Act shall be suspended for
2 5 years. Any defendant found guilty of this offense while
3 operating a motor vehicle, shall have an entry made in the
4 court record by the presiding judge that this offense did
5 occur while the defendant was operating a motor vehicle and
6 order the clerk of the court to report the violation to the
7 Secretary of State;

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

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

23 31. Has refused to submit to a test as required by
24 Section 11-501.6 or has submitted to a test resulting in an
25 alcohol concentration of 0.08 or more or any amount of a
26 drug, substance, or compound resulting from the unlawful

1 use or consumption of cannabis as listed in the Cannabis
2 Control Act, a controlled substance as listed in the
3 Illinois Controlled Substances Act, ~~or~~ an intoxicating
4 compound as listed in the Use of Intoxicating Compounds
5 Act, or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection Act, in which case the
7 penalty shall be as prescribed in Section 6-208.1;

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

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

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

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

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

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

3 38. Has been convicted of a violation of Section 6-20
4 of the Liquor Control Act of 1934 or a similar provision of
5 a local ordinance;

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

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

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

14 42. Has committed a violation of subsection (a-1) of
15 Section 11-1301.3 of this Code.

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

23 (b) If any conviction forming the basis of a suspension or
24 revocation authorized under this Section is appealed, the
25 Secretary of State may rescind or withhold the entry of the
26 order of suspension or revocation, as the case may be, provided

1 that a certified copy of a stay order of a court is filed with
2 the Secretary of State. If the conviction is affirmed on
3 appeal, the date of the conviction shall relate back to the
4 time the original judgment of conviction was entered and the 6
5 month limitation prescribed shall not apply.

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

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

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

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

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

20 3. At the conclusion of a hearing under Section 2-118
21 of this Code, the Secretary of State shall either rescind
22 or continue an order of revocation or shall substitute an
23 order of suspension; or, good cause appearing therefor,
24 rescind, continue, change, or extend the order of
25 suspension. If the Secretary of State does not rescind the
26 order, the Secretary may upon application, to relieve undue

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

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

23 If a person's license or permit has been revoked or
24 suspended 2 or more times within a 10 year period due to a
25 single conviction of violating Section 11-501 of this Code
26 or a similar provision of a local ordinance or a similar

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

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

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

24 (d) This Section is subject to the provisions of the
25 Drivers License Compact.

26 (e) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose
2 driving privileges have been suspended or revoked under any
3 provisions of this Code.

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

9 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
10 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
11 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

12 (625 ILCS 5/6-207) (from Ch. 95 1/2, par. 6-207)

13 Sec. 6-207. Secretary of State may require reexamination or
14 reissuance of a license.

15 (a) The Secretary of State, having good cause to believe
16 that a licensed driver or person holding a permit or applying
17 for a license or license renewal is incompetent or otherwise
18 not qualified to hold a license or permit, may upon written
19 notice of at least 5 days to the person require the person to
20 submit to an examination as prescribed by the Secretary.

21 Refusal or neglect of the person to submit an alcohol,
22 drug, or intoxicating compound evaluation or submit to or
23 failure to successfully complete the examination is grounds for
24 suspension of the person's license or permit under Section
25 6-206 of this Act or cancellation of his license or permit

1 under Section 6-201 of this Act.

2 (b) The Secretary of State, having issued a driver's
3 license or permit in error, may upon written notice of at least
4 5 days to the person, require the person to appear at a Driver
5 Services facility to have the license or permit error corrected
6 and a new license or permit issued.

7 Refusal or neglect of the person to appear is grounds for
8 cancellation of the person's license or permit under Section
9 6-201 of this Act.

10 (c) The Secretary of State, having issued a driver's
11 license or permit to a person who subsequently becomes
12 ineligible to retain that license or permit as currently
13 issued, may, upon written notice of at least 5 days to the
14 person, require the person to appear at a Driver Services
15 facility to have the license or permit corrected and a new
16 license or permit issued.

17 (Source: P.A. 90-779, eff. 1-1-99.)

18 (625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

19 Sec. 6-306.6. Failure to pay traffic fines, penalties, or
20 court costs.

21 (a) Whenever any resident of this State fails to pay any
22 traffic fine, penalty, or cost imposed for a violation of this
23 Code, or similar provision of local ordinance, the clerk may
24 notify the Secretary of State, on a report prescribed by the
25 Secretary, and the Secretary shall prohibit the renewal,

1 reissue or reinstatement of such resident's driving privileges
2 until such fine, penalty, or cost has been paid in full. The
3 clerk shall provide notice to the driver, at the driver's last
4 known address as shown on the court's records, stating that
5 such action will be effective on the 46th day following the
6 date of the above notice if payment is not received in full by
7 the court of venue.

8 (a-1) Whenever any resident of this State who has made a
9 partial payment on any traffic fine, penalty, or cost that was
10 imposed under a conviction entered on or after the effective
11 date of this amendatory Act of the 93rd General Assembly, for a
12 violation of this Code or a similar provision of a local
13 ordinance, fails to pay the remainder of the outstanding fine,
14 penalty, or cost within the time limit set by the court, the
15 clerk may notify the Secretary of State, on a report prescribed
16 by the Secretary, and the Secretary shall prohibit the renewal,
17 reissue, or reinstatement of the resident's driving privileges
18 until the fine, penalty, or cost has been paid in full. The
19 clerk shall provide notice to the driver, at the driver's last
20 known address as shown on the court's records, stating that the
21 action will be effective on the 46th day following the date of
22 the notice if payment is not received in full by the court of
23 venue.

24 (b) Except as provided in subsection (b-1), following
25 receipt of the report from the clerk, the Secretary of State
26 shall make the proper notation to the driver's file to prohibit

1 the renewal, reissue or reinstatement of such driver's driving
2 privileges. Except as provided in paragraph (2) of subsection
3 (d) of this Section, such notation shall not be removed from
4 the driver's record until the driver satisfies the outstanding
5 fine, penalty, or cost and an appropriate notice on a form
6 prescribed by the Secretary is received by the Secretary from
7 the court of venue, stating that such fine, penalty, or cost
8 has been paid in full. Upon payment in full of a traffic fine,
9 penalty, or court cost which has previously been reported under
10 this Section as unpaid, the clerk of the court shall present
11 the driver with a signed receipt containing the seal of the
12 court indicating that such fine, penalty, or cost has been paid
13 in full, and shall forward forthwith to the Secretary of State
14 a notice stating that the fine, penalty, or cost has been paid
15 in full.

16 (b-1) In a county with a population of 3,000,000 or more,
17 following receipt of the report from the clerk, the Secretary
18 of State shall make the proper notation to the driver's file to
19 prohibit the renewal, reissue or reinstatement of such driver's
20 driving privileges. Such notation shall not be removed from the
21 driver's record until the driver satisfies the outstanding
22 fine, penalty, or cost and an appropriate notice on a form
23 prescribed by the Secretary is received by the Secretary
24 directly from the court of venue, stating that such fine,
25 penalty, or cost has been paid in full. Upon payment in full of
26 a traffic fine, penalty, or court cost which has previously

1 been reported under this Section as unpaid, the clerk of the
2 court shall forward forthwith directly to the Secretary of
3 State a notice stating that the fine, penalty, or cost has been
4 paid in full and shall provide the driver with a signed receipt
5 containing the seal of the court, indicating that the fine,
6 penalty, and cost have been paid in full. The receipt may not
7 be used by the driver to clear the driver's record.

8 (c) The provisions of this Section shall be limited to a
9 single action per arrest and as a post conviction measure only.
10 Fines, penalty, or costs to be collected subsequent to orders
11 of court supervision, or other available court diversions are
12 not applicable to this Section.

13 (d) (1) Notwithstanding the receipt of a report from
14 the clerk as prescribed in subsections ~~subsection~~ (a) and
15 (e), nothing in this Section is intended to place any
16 responsibility upon the Secretary of State to provide
17 independent notice to the driver of any potential action to
18 disallow the renewal, reissue or reinstatement of such
19 driver's driving privileges.

20 (2) Except as provided in subsection (b-1), the
21 Secretary of State shall renew, reissue or reinstate a
22 driver's driving privileges which were previously refused
23 pursuant to this Section upon presentation of an original
24 receipt which is signed by the clerk of the court and
25 contains the seal of the court indicating that the fine,
26 penalty, or cost has been paid in full. The Secretary of

1 State shall retain such receipt for his records.

2 (e) Upon receipt of notification from another state,
3 stating a resident of this State failed to pay a traffic fine,
4 penalty, or cost imposed for a violation that occurs in another
5 state, the Secretary shall make the proper notation to the
6 drivers license file to prohibit the renewal, reissue, or
7 reinstatement of the resident's driving privileges until the
8 fine, penalty, or cost has been paid in full. The Secretary of
9 State shall renew, reissue, or reinstate the driver's driving
10 privileges that were previously refused under this Section upon
11 receipt of notification from the other state that indicates
12 that the fine, penalty, or cost has been paid in full. The
13 Secretary of State shall retain the out-of-state receipt for
14 his or her records.

15 (Source: P.A. 93-788, eff. 1-1-05; 94-618, eff. 1-1-06.)

16 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

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

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

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

1 (A) the number of grams of alcohol per 210 liters of
2 breath; or

3 (B) the number of grams of alcohol per 100 milliliters
4 of blood; or

5 (C) the number of grams of alcohol per 67 milliliters
6 of urine.

7 Alcohol tests administered within 2 hours of the driver
8 being "stopped or detained" shall be considered that driver's
9 "alcohol concentration" for the purposes of enforcing this
10 UCCLA.

11 (3) (Blank).

12 (4) (Blank).

13 (5) (Blank).

14 (6) Commercial Motor Vehicle.

15 (A) "Commercial motor vehicle" or "CMV" means a motor
16 vehicle used in commerce, except those referred to in
17 subdivision (B), designed to transport passengers or
18 property if:

19 (i) the vehicle has a GVWR of 26,001 pounds or more
20 or such a lesser GVWR as subsequently determined by
21 federal regulations or the Secretary of State; or any
22 combination of vehicles with a GCWR of 26,001 pounds or
23 more, provided the GVWR of any vehicle or vehicles
24 being towed is 10,001 pounds or more; or

25 (ii) the vehicle is designed to transport 16 or
26 more persons; or

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

4 (B) Pursuant to the interpretation of the Commercial
5 Motor Vehicle Safety Act of 1986 by the Federal Highway
6 Administration, the definition of "commercial motor
7 vehicle" does not include:

8 (i) recreational vehicles, when operated primarily
9 for personal use;

10 (ii) ~~United States Department of Defense~~ vehicles
11 owned by or being operated under the direction of the
12 United States Department of Defense or the United
13 States Coast Guard only when operated by non-civilian
14 personnel. This includes any operator on active
15 military duty; members of the Reserves; National
16 Guard; personnel on part-time training; and National
17 Guard military technicians (civilians who are required
18 to wear military uniforms and are subject to the Code
19 of Military Justice); or

20 (iii) firefighting and other emergency equipment
21 (including, without limitation, equipment owned or
22 operated by a HazMat or technical rescue team
23 authorized by a county board under Section 5-1127 of
24 the Counties Code), with audible and visual signals,
25 owned or operated by or for a governmental entity,
26 which is necessary to the preservation of life or

1 property or the execution of emergency governmental
2 functions which are normally not subject to general
3 traffic rules and regulations.

4 (7) Controlled Substance. "Controlled substance" shall
5 have the same meaning as defined in Section 102 of the Illinois
6 Controlled Substances Act, and shall also include cannabis as
7 defined in Section 3 of the Cannabis Control Act and
8 methamphetamine as defined in Section 10 of the Methamphetamine
9 Control and Community Protection Act.

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

22 (8.5) Day. "Day" means calendar day.

23 (9) (Blank).

24 (10) (Blank).

25 (11) (Blank).

26 (12) (Blank).

1 (13) Driver. "Driver" means any person who drives,
2 operates, or is in physical control of a commercial motor
3 vehicle, any person who is required to hold a CDL, or any
4 person who is a holder of a CDL while operating a
5 non-commercial motor vehicle.

6 (13.5) Driver applicant. "Driver applicant" means an
7 individual who applies to a state to obtain, transfer, upgrade,
8 or renew a CDL.

9 (14) Employee. "Employee" means a person who is employed as
10 a commercial motor vehicle driver. A person who is
11 self-employed as a commercial motor vehicle driver must comply
12 with the requirements of this UCDLA pertaining to employees. An
13 owner-operator on a long-term lease shall be considered an
14 employee.

15 (15) Employer. "Employer" means a person (including the
16 United States, a State or a local authority) who owns or leases
17 a commercial motor vehicle or assigns employees to operate such
18 a vehicle. A person who is self-employed as a commercial motor
19 vehicle driver must comply with the requirements of this UCDLA.

20 (16) (Blank).

21 (16.5) Fatality. "Fatality" means the death of a person as
22 a result of a motor vehicle accident.

23 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
24 sovereign jurisdiction that does not fall within the definition
25 of "State".

26 (18) (Blank).

1 (19) (Blank).

2 (20) Hazardous materials ~~Material~~. "Hazardous Material"
3 means any material that has been designated ~~Upon a finding by~~
4 ~~the United States Secretary of Transportation, in his or her~~
5 ~~discretion,~~ under 49 ~~App.~~ U.S.C. 5103 and is required to be
6 placarded under subpart F of 49 C.F.R. part 172 or any quantity
7 of a material listed as a select agent or toxin in 42 C.F.R.
8 part 73 ~~(a), that the transportation of a particular quantity~~
9 ~~and form of material in commerce may pose an unreasonable risk~~
10 ~~to health and safety or property, he or she shall designate the~~
11 ~~quantity and form of material or group or class of the~~
12 ~~materials as a hazardous material. The materials so designated~~
13 ~~may include but are not limited to explosives, radioactive~~
14 ~~materials, etiologic agents, flammable liquids or solids,~~
15 ~~combustible liquids or solids, poisons, oxidizing or corrosive~~
16 ~~materials, and compressed gases.~~

17 (20.5) Imminent Hazard. "Imminent hazard" means the
18 existence of a condition that presents a substantial likelihood
19 that death, serious illness, severe personal injury, or a
20 substantial endangerment to health, property, or the
21 environment may occur before the reasonably foreseeable
22 completion date of a formal proceeding begun to lessen the risk
23 of that death, illness, injury or endangerment.

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

1 (22) Motor Vehicle. "Motor vehicle" means every vehicle
2 which is self-propelled, and every vehicle which is propelled
3 by electric power obtained from over head trolley wires but not
4 operated upon rails, except vehicles moved solely by human
5 power and motorized wheel chairs.

6 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
7 combination of motor vehicles not defined by the term
8 "commercial motor vehicle" or "CMV" in this Section.

9 (23) Non-resident CDL. "Non-resident CDL" means a
10 commercial driver's license issued by a state under either of
11 the following two conditions:

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

15 (ii) to an individual domiciled in another state
16 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
17 of the Federal Motor Carrier Safety Administration.

18 (24) (Blank).

19 (25) (Blank).

20 (25.5) Railroad-Highway Grade Crossing Violation.
21 "Railroad-highway grade crossing violation" means a violation,
22 while operating a commercial motor vehicle, of any of the
23 following:

24 (A) Section 11-1201, 11-1202, or 11-1425 of this
25 Code.

26 (B) Any other similar law or local ordinance of any

1 state relating to railroad-highway grade crossing.

2 (25.7) School Bus. "School bus" means a commercial motor
3 vehicle used to transport pre-primary, primary, or secondary
4 school students from home to school, from school to home, or to
5 and from school-sponsored events. "School bus" does not include
6 a bus used as a common carrier.

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

9 (A) a conviction when operating a commercial motor
10 vehicle, or when operating a non-CMV while holding a CDL,
11 of:

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

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

16 (iii) a violation of any State law or local
17 ordinance relating to motor vehicle traffic control
18 (other than parking violations) arising in connection
19 with a fatal traffic accident; or

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

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

24 (vi) a violation relating to improper or erratic
25 traffic lane changes; or

26 (vii) a violation relating to following another

1 vehicle too closely; or

2 (B) any other similar violation of a law or local
3 ordinance of any state relating to motor vehicle traffic
4 control, other than a parking violation, which the
5 Secretary of State determines by administrative rule to be
6 serious.

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

9 (28) (Blank).

10 (29) (Blank).

11 (30) (Blank).

12 (31) (Blank).

13 (Source: P.A. 94-307, eff. 9-30-05; 94-334, eff. 1-1-06;
14 revised 8-19-05.)

15 (625 ILCS 5/6-501) (from Ch. 95 1/2, par. 6-501)

16 Sec. 6-501. Commercial drivers - permitted only one
17 driver's license. No person who drives a commercial motor
18 vehicle, on the highways, shall have more than one driver's
19 license, ~~except during the 10-day period beginning on the date~~
20 ~~such person is issued a CDL.~~

21 Any person convicted of violating this Section shall be
22 guilty of a Class A misdemeanor.

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

24 (625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)

1 Sec. 6-506. Commercial motor vehicle driver -
2 employer/owner responsibilities.

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

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

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

11 (3) has been disqualified from driving a commercial
12 motor vehicle; or

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

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

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

21 (b-3) No employer or commercial motor vehicle owner shall
22 knowingly allow, permit, authorize, or require a driver to
23 operate a commercial motor vehicle during any period in which
24 the commercial motor vehicle is subject to an "out-of-service"
25 order.

26 (b-5) No employer or commercial motor vehicle owner shall

1 knowingly allow, permit, authorize, or require a driver to
2 operate a commercial motor vehicle during any period in which
3 the motor carrier operation is subject to an "out-of-service"
4 order.

5 (c) Any employer convicted of violating subsection (a),
6 (b-3), or (b-5) of this Section, whether individually or in
7 connection with one or more other persons, or as principal
8 agent, or accessory, shall be guilty of a Class A misdemeanor.

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

10 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

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

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

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

18 (2) having obtained a CDL; or

19 (3) the proper class of CDL or endorsements or both for
20 the specific vehicle group being operated or for the
21 passengers or type of cargo being transported.

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

25 (1) Suspended, revoked, cancelled, or subject to

1 disqualification. Any person convicted of violating this
2 provision or a similar provision of this or any other state
3 shall have their driving privileges revoked under
4 paragraph 12 of subsection (a) of Section 6-205 of this
5 Code.

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

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

19 (b-3) Except as otherwise provided by this Code, no person
20 may drive a commercial motor vehicle on the highways during a
21 period which the commercial motor vehicle or the motor carrier
22 operation is subject to an "out-of-service" order. Any person
23 who is convicted of violating this provision or a similar
24 provision of any other state shall be disqualified from
25 operating a commercial motor vehicle under subsection (i) of
26 Section 6-514 of this Code.

1 (b-5) Except as otherwise provided by this Code, no person
2 may transport passengers or hazardous materials during a period
3 in which the commercial motor vehicle or the motor carrier
4 operation is subject to an "out-of-service" order. Any person
5 who is convicted of violating this provision or a similar
6 provision of any other state shall be disqualified from
7 operating a commercial motor vehicle under subsection (i) of
8 Section 6-514 of this Code.

9 (c) Pursuant to the options provided to the States by FHWA
10 Docket No. MC-88-8, the driver of any motor vehicle controlled
11 or operated by or for a farmer is waived from the requirements
12 of this Section, when such motor vehicle is being used to
13 transport: agricultural products; implements of husbandry; or
14 farm supplies; to and from a farm, as long as such movement is
15 not over 150 air miles from the originating farm. This waiver
16 does not apply to the driver of any motor vehicle being used in
17 a common or contract carrier type operation. However, for those
18 drivers of any truck-tractor semitrailer combination or
19 combinations registered under subsection (c) of Section 3-815
20 of this Code, this waiver shall apply only when the driver is a
21 farmer or a member of the farmer's family and the driver is 21
22 years of age or more and has successfully completed any tests
23 the Secretary of State deems necessary.

24 In addition, the farmer or a member of the farmer's family
25 who operates a truck-tractor semitrailer combination or
26 combinations pursuant to this waiver shall be granted all of

1 the rights and shall be subject to all of the duties and
2 restrictions with respect to Sections 6-514 and 6-515 of this
3 Code applicable to the driver who possesses a commercial
4 driver's license issued under this Code, except that the driver
5 shall not be subject to any additional duties or restrictions
6 contained in Part 382 of the Federal Motor Carrier Safety
7 Regulations that are not otherwise imposed under Section 6-514
8 or 6-515 of this Code.

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

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

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

24 (e) Any person convicted of violating paragraph (1) of
25 subsection (b) of this Section, shall have all driving
26 privileges revoked by the Secretary of State.

1 (f) This Section shall not apply to:

2 (1) A person who currently holds a valid Illinois
3 driver's license, for the type of vehicle being operated,
4 until the expiration of such license or April 1, 1992,
5 whichever is earlier; or

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

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

12 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

13 Sec. 6-508. Commercial Driver's License (CDL) -
14 qualification standards.

15 (a) Testing.

16 (1) General. No person shall be issued an original or
17 renewal CDL unless that person is domiciled in this State.
18 The Secretary shall cause to be administered such tests as
19 the Secretary deems necessary to meet the requirements of
20 49 C.F.R. Part 383, subparts F, G, and H, and J.

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

1 Safety Act of 1986 and any appropriate federal rule.

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

6 (c) Limitations on issuance of a CDL. A CDL, or a
7 commercial driver instruction permit, shall not be issued to a
8 person while the person is subject to a disqualification from
9 driving a commercial motor vehicle, or unless otherwise
10 permitted by this Code, while the person's driver's license is
11 suspended, revoked or cancelled in any state, or any territory
12 or province of Canada; nor may a CDL be issued to a person who
13 has a CDL issued by any other state, or foreign jurisdiction,
14 unless the person first surrenders all such licenses. No CDL
15 shall be issued to or renewed for a person who does not meet
16 the requirement of 49 CFR 391.41(b)(11). The requirement may be
17 met with the aid of a hearing aid.

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

23 (1) the person has submitted his or her fingerprints to
24 the Department of State Police in the form and manner
25 prescribed by the Department of State Police. These
26 fingerprints shall be checked against the fingerprint

1 records now and hereafter filed in the Department of State
2 Police and Federal Bureau of Investigation criminal
3 history records databases;

4 (2) the person has passed a written test, administered
5 by the Secretary of State, on charter bus operation,
6 charter bus safety, and certain special traffic laws
7 relating to school buses determined by the Secretary of
8 State to be relevant to charter buses, and submitted to a
9 review of the driver applicant's driving habits by the
10 Secretary of State at the time the written test is given;

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

14 (4) the person has not been convicted of committing or
15 attempting to commit any one or more of the following
16 offenses: (i) those offenses defined in Sections 9-1,
17 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
18 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
19 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
20 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
21 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,
22 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
23 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,
24 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,
25 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and
26 subsection (b), clause (1), of Section 12-4 of the Criminal

1 Code of 1961; (ii) those offenses defined in the Cannabis
2 Control Act except those offenses defined in subsections
3 (a) and (b) of Section 4, and subsection (a) of Section 5
4 of the Cannabis Control Act; (iii) those offenses defined
5 in the Illinois Controlled Substances Act; (iv) those
6 offenses defined in the Methamphetamine Control and
7 Community Protection Act; (v) any offense committed or
8 attempted in any other state or against the laws of the
9 United States, which if committed or attempted in this
10 State would be punishable as one or more of the foregoing
11 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
12 of the Wrongs to Children Act; and (vii) those offenses
13 defined in Section 6-16 of the Liquor Control Act of 1934.

14 The Department of State Police shall charge a fee for
15 conducting the criminal history records check, which shall be
16 deposited into the State Police Services Fund and may not
17 exceed the actual cost of the records check.

18 (c-2) The Secretary shall issue a CDL with a school bus
19 endorsement to allow a person to drive a school bus as defined
20 in this Section. The CDL shall be issued according to the
21 requirements outlined in 49 C.F.R. 383. A person may not
22 operate a school bus as defined in this Section without a
23 school bus endorsement. The Secretary of State may adopt rules
24 consistent with Federal guidelines to implement this
25 subsection (c-2).

26 (d) Commercial driver instruction permit. A commercial

1 driver instruction permit may be issued to any person holding a
2 valid Illinois driver's license if such person successfully
3 passes such tests as the Secretary determines to be necessary.
4 A commercial driver instruction permit shall not be issued to a
5 person who does not meet the requirements of 49 CFR 391.41
6 (b)(11), except for the renewal of a commercial driver
7 instruction permit for a person who possesses a commercial
8 instruction permit prior to the effective date of this
9 amendatory Act of 1999.

10 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; 94-307,
11 eff. 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

12 (625 ILCS 5/6-509) (from Ch. 95 1/2, par. 6-509)

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

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

1 A driver ~~An~~ applicant must surrender any non-resident CDL,
2 license or permit issued by any other state.

3 (b) If an individual is domiciled in a state while that
4 state is prohibited from issuing CDLs in accordance with 49
5 C.F.R. Part 384.405, that individual is eligible to obtain a
6 non-resident CDL from any state that elects to issue a
7 non-resident CDL and which complies with the testing and
8 licensing standards contained in subparts F, G, and H of 49
9 C.F.R. Part 383.23.

10 (Source: P.A. 94-307, eff. 9-30-05.)

11 (625 ILCS 5/6-510) (from Ch. 95 1/2, par. 6-510)

12 Sec. 6-510. Application for Commercial Driver's License
13 (CDL).

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

17 (1) the full legal name and current Illinois
18 domiciliary address (unless the application is for a
19 Non-resident CDL) of the driver applicant;

20 (2) a physical description of the driver applicant
21 including sex, height, weight, color of eyes and hair
22 color;

23 (3) date of birth;

24 (4) the driver applicant's social security number or
25 other identifying number acceptable to the Secretary of

1 State;

2 (5) the driver applicant's signature;

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

4 (6.1) the names of all states where the driver
5 applicant has previously been licensed to drive any type of
6 motor vehicle during the previous 10 years pursuant to 49
7 C.F.R. Part 383; and

8 (7) any other information required by the Secretary of
9 State.

10 (Source: P.A. 93-895, eff. 1-1-05; 94-307, eff. 9-30-05.)

11 (625 ILCS 5/6-513) (from Ch. 95 1/2, par. 6-513)

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

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

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

21 (2) the person's color photograph;

22 (3) a physical description of the person including sex,
23 height, and may include weight, color of eyes and hair
24 color;

25 (4) date of birth;

1 (5) a CDL or file number assigned by the Secretary of
2 State;

3 ~~(6) it also may include the applicant's Social Security~~
4 ~~Number pursuant to Section 6-106;~~

5 (6) ~~(7)~~ the person's signature;

6 (7) ~~(8)~~ the class or type of commercial vehicle or
7 vehicles which the person is authorized to drive together
8 with any endorsements or restrictions;

9 (8) ~~(9)~~ the name of the issuing state; and

10 (9) ~~(10)~~ the issuance and expiration dates of the CDL.

11 (b) Applicant Record Check.

12 Prior to the issuance of a CDL, the Secretary of State
13 shall obtain, ~~and~~ review, and maintain upon issuance the driver
14 applicant's driving record as required by 49 C.F.R. Part 383
15 and Part 384 and the United States Secretary of Transportation.

16 (c) Notification of Commercial Driver's License (CDL)
17 Issuance.

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

22 (c-5) Change in driver identification information.

23 Within 10 days of any change of driver identification
24 information on any CDL holder, the Secretary of State must
25 notify the Commercial Driver License Information System of the
26 change.

1 (d) Renewal.

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

5 (Source: P.A. 93-895, eff. 1-1-05; 94-307, eff. 9-30-05.)

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

7 Sec. 6-514. Commercial Driver's License (CDL) -
8 Disqualifications.

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

12 (1) Refusing to submit to or failure to complete a test
13 or tests to determine the driver's blood concentration of
14 alcohol, other drug, or both, while driving a commercial
15 motor vehicle or, if the driver is a CDL holder, while
16 driving a non-CMV; or

17 (2) Operating a commercial motor vehicle while the
18 alcohol concentration of the person's blood, breath or
19 urine is at least 0.04, or any amount of a drug, substance,
20 or compound in the person's blood or urine resulting from
21 the unlawful use or consumption of cannabis listed in the
22 Cannabis Control Act, ~~or~~ a controlled substance listed in
23 the Illinois Controlled Substances Act, or methamphetamine
24 as listed in the Methamphetamine Control and Community
25 Protection Act as indicated by a police officer's sworn

1 report or other verified evidence; or operating a
2 non-commercial motor vehicle while the alcohol
3 concentration of the person's blood, breath, or urine was
4 above the legal limit defined in Section 11-501.1 or
5 11-501.8 or any amount of a drug, substance, or compound in
6 the person's blood or urine resulting from the unlawful use
7 or consumption of cannabis listed in the Cannabis Control
8 Act, ~~or~~ a controlled substance listed in the Illinois
9 Controlled Substances Act, or methamphetamine as listed in
10 the Methamphetamine Control and Community Protection Act
11 as indicated by a police officer's sworn report or other
12 verified evidence while holding a commercial driver's
13 license; or

14 (3) Conviction for a first violation of:

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

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

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

1 (iv) Driving a commercial motor vehicle while the
2 person's driving privileges or driver's license or
3 permit is revoked, suspended, or cancelled or the
4 driver is disqualified from operating a commercial
5 motor vehicle; or

6 (v) Causing a fatality through the negligent
7 operation of a commercial motor vehicle, including but
8 not limited to the crimes of motor vehicle
9 manslaughter, homicide by a motor vehicle, and
10 negligent homicide.

11 As used in this subdivision (a)(3)(v), "motor
12 vehicle manslaughter" means the offense of involuntary
13 manslaughter if committed by means of a vehicle;
14 "homicide by a motor vehicle" means the offense of
15 first degree murder or second degree murder, if either
16 offense is committed by means of a vehicle; and
17 "negligent homicide" means reckless homicide under
18 Section 9-3 of the Criminal Code of 1961 and aggravated
19 driving under the influence of alcohol, other drug or
20 drugs, intoxicating compound or compounds, or any
21 combination thereof under subdivision (d)(1)(F) of
22 Section 11-501 of this Code.

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

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

5 (c) A person is disqualified from driving a commercial
6 motor vehicle for life if the person either (i) uses a
7 commercial motor vehicle in the commission of any felony
8 involving the manufacture, distribution, or dispensing of a
9 controlled substance, or possession with intent to
10 manufacture, distribute or dispense a controlled substance or
11 (ii) if the person is a CDL holder, uses a non-CMV in the
12 commission of a felony involving any of those activities.

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

22 (e) A person is disqualified from driving a commercial
23 motor vehicle for a period of not less than 2 months if
24 convicted of 2 serious traffic violations, committed in a
25 commercial motor vehicle, arising from separate incidents,
26 occurring within a 3 year period. However, a person will be

1 disqualified from driving a commercial motor vehicle for a
2 period of not less than 4 months if convicted of 3 serious
3 traffic violations, committed in a commercial motor vehicle,
4 arising from separate incidents, occurring within a 3 year
5 period.

6 (e-1) A person is disqualified from driving a commercial
7 motor vehicle for a period of not less than 2 months if
8 convicted of 2 serious traffic violations committed in a
9 non-CMV while holding a CDL, arising from separate incidents,
10 occurring within a 3 year period, if the convictions would
11 result in the suspension or revocation of the CDL holder's
12 non-CMV privileges. A person shall be disqualified from driving
13 a commercial motor vehicle for a period of not less than 4
14 months, however, if he or she is convicted of 3 or more serious
15 traffic violations committed in a non-CMV while holding a CDL,
16 arising from separate incidents, occurring within a 3 year
17 period, if the convictions would result in the suspension or
18 revocation of the CDL holder's non-CMV privileges.

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

24 (g) After suspending, revoking, or cancelling a commercial
25 driver's license, the Secretary of State must update the
26 driver's records to reflect such action within 10 days. After

1 suspending or revoking the driving privilege of any person who
2 has been issued a CDL or commercial driver instruction permit
3 from another jurisdiction, the Secretary shall originate
4 notification to such issuing jurisdiction within 10 days.

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

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

11 (1) For 6 months upon a first conviction of paragraph
12 (2) of subsection (b) or subsection (b-3) of Section 6-507
13 of this Code.

14 (2) For one year upon a second conviction of paragraph
15 (2) of subsection (b) or subsection (b-3) of Section 6-507
16 of this Code within a 10-year period.

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

20 (4) For one year upon a first conviction of paragraph
21 (3) of subsection (b) or subsection (b-5) of Section 6-507
22 of this Code.

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

26 (6) For 5 years upon a third or subsequent conviction

1 of paragraph (3) of subsection (b) or subsection (b-5) of
2 Section 6-507 of this Code within a 10-year period.

3 (j) Disqualification for railroad-highway grade crossing
4 violation.

5 (1) General rule. A driver who is convicted of a
6 violation of a federal, State, or local law or regulation
7 pertaining to one of the following 6 offenses at a
8 railroad-highway grade crossing must be disqualified from
9 operating a commercial motor vehicle for the period of time
10 specified in paragraph (2) of this subsection (j) if the
11 offense was committed while operating a commercial motor
12 vehicle:

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

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

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

24 (iv) For all drivers, failing to have sufficient
25 space to drive completely through the crossing without
26 stopping, as described in subsection (b) of Section

1 11-1425 of this Code;

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

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

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

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

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

1 incident.

2 (iii) Third or subsequent violation. A driver must
3 be disqualified from operating a commercial motor
4 vehicle for not less than one year if the driver is
5 convicted of a violation described in paragraph (1) of
6 this subsection (j) and, in the three-year period
7 preceding the conviction, the driver had 2 or more
8 other convictions for violations described in
9 paragraph (1) of this subsection (j) that were
10 committed in separate incidents.

11 (k) Upon notification of a disqualification of a driver's
12 commercial motor vehicle privileges imposed by the U.S.
13 Department of Transportation, Federal Motor Carrier Safety
14 Administration, in accordance with 49 C.F.R. 383.52, the
15 Secretary of State shall immediately record to the driving
16 record the notice of disqualification and confirm to the driver
17 the action that has been taken.

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

19 (625 ILCS 5/6-519) (from Ch. 95 1/2, par. 6-519)

20 Sec. 6-519. Driving Record Information To Be Furnished.
21 Notwithstanding any other provision of law to the contrary, the
22 Secretary of State shall furnish full information regarding a
23 commercial driver's driving record to: the driver licensing
24 administrator of any other State; the U.S. Department of
25 Transportation; the affected driver or a motor carrier or

1 prospective motor carrier requesting such information, within
2 10 days of the request; and any other entity or person
3 authorized to receive such information pursuant to Section
4 2-123 of this Code.

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

6 (625 ILCS 5/6-520) (from Ch. 95 1/2, par. 6-520)
7 Sec. 6-520. CDL disqualification or out-of-service order;
8 hearing.

9 (a) A disqualification of commercial driving privileges by
10 the Secretary of State, pursuant to this UCDLA, shall not
11 become effective until the person is notified in writing, by
12 the Secretary, of the impending disqualification and advised
13 that a CDL hearing may be requested of the Secretary if the
14 stop or arrest occurred in a commercial motor vehicle.

15 (b) Upon receipt of: the notice of a CDL disqualification
16 not based upon a conviction; 7 an out-of-service order; 7 or
17 notification that a CDL disqualification is forthcoming, the
18 person may make a written petition in a form, approved by the
19 Secretary of State, for a CDL hearing with the Secretary if the
20 stop or arrest occurred in a commercial motor vehicle. Such
21 petition must state the grounds upon which the person seeks to
22 have the CDL disqualification rescinded or the out-of-service
23 order removed from the person's driving record. Within 10 days
24 after the receipt of such petition, it shall be reviewed by the
25 Director of the Department of Administrative Hearings, Office

1 of the Secretary of State, or by an appointed designee. If it
2 is determined that the petition on its face does not state
3 grounds upon which the relief may be based, the petition for a
4 CDL hearing shall be denied and the disqualification shall
5 become effective as if no petition had been filed and the
6 out-of-service order shall be sustained. If such petition is so
7 denied, the person may submit another petition.

8 (c) The scope of a CDL hearing, for any disqualification
9 imposed pursuant to paragraphs (1) and (2) of subsection (a) of
10 Section 6-514, resulting from the operation of a commercial
11 motor vehicle, shall be limited to the following issues:

12 1. Whether the person was operating a commercial motor
13 vehicle;

14 2. Whether, after making the initial stop, the police
15 officer had probable cause to issue a Sworn Report;

16 3. Whether the person was verbally warned of the
17 ensuing consequences prior to submitting to any type of
18 chemical test or tests to determine such person's blood
19 concentration of alcohol, other drug, or both;

20 4. Whether the person did refuse to submit to or failed
21 to complete the chemical testing or did submit to such test
22 or tests and such test or tests disclosed an alcohol
23 concentration of at least 0.04 or any amount of a drug,
24 substance, or compound resulting from the unlawful use or
25 consumption of cannabis listed in the Cannabis Control Act
26 or a controlled substance listed in the Illinois Controlled

1 Substances Act or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act in
3 the person's system;

4 5. Whether the person was warned that if the test or
5 tests disclosed an alcohol concentration of 0.08 or more or
6 any amount of a drug, substance, or compound resulting from
7 the unlawful use or consumption of cannabis listed in the
8 Cannabis Control Act or a controlled substance listed in
9 the Illinois Controlled Substances Act or methamphetamine
10 as listed in the Methamphetamine Control and Community
11 Protection Act, such results could be admissible in a
12 subsequent prosecution under Section 11-501 of this Code or
13 similar provision of local ordinances; and

14 6. Whether such results could not be used to impose any
15 driver's license sanctions pursuant to Section 11-501.1.

16 Upon the conclusion of the above CDL hearing, the CDL
17 disqualification imposed shall either be sustained or
18 rescinded.

19 (d) The scope of a CDL hearing for any out-of-service
20 sanction, imposed pursuant to Section 6-515, shall be limited
21 to the following issues:

22 1. Whether the person was driving a commercial motor
23 vehicle;

24 2. Whether, while driving such commercial motor
25 vehicle, the person had alcohol or any amount of a drug,
26 substance, or compound resulting from the unlawful use or

1 consumption of cannabis listed in the Cannabis Control Act
2 or a controlled substance listed in the Illinois Controlled
3 Substances Act or methamphetamine as listed in the
4 Methamphetamine Control and Community Protection Act in
5 such person's system;

6 3. Whether the person was verbally warned of the
7 ensuing consequences prior to being asked to submit to any
8 type of chemical test or tests to determine such person's
9 alcohol, other drug, or both, concentration; and

10 4. Whether, after being so warned, the person did
11 refuse to submit to or failed to complete such chemical
12 test or tests or did submit to such test or tests and such
13 test or tests disclosed an alcohol concentration greater
14 than 0.00 or any amount of a drug, substance, or compound
15 resulting from the unlawful use or consumption of cannabis
16 listed in the Cannabis Control Act or a controlled
17 substance listed in the Illinois Controlled Substances Act
18 or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act.

20 Upon the conclusion of the above CDL hearing, the
21 out-of-service sanction shall either be sustained or removed
22 from the person's driving record.

23 (e) If any person petitions for a hearing relating to any
24 CDL disqualification based upon a conviction, as defined in
25 this UCDLA, said hearing shall not be conducted as a CDL
26 hearing, but shall be conducted as any other driver's license

1 hearing, whether formal or informal, as promulgated in the
2 rules and regulations of the Secretary.

3 (f) Any evidence of alcohol or other drug consumption, for
4 the purposes of this UCCLA, shall be sufficient probable cause
5 for requesting the driver to submit to a chemical test or tests
6 to determine the presence of alcohol, other drug, or both in
7 the person's system and the subsequent issuance of an
8 out-of-service order or a Sworn Report by a police officer.

9 (g) For the purposes of this UCCLA, a CDL "hearing" shall
10 mean a hearing before the Office of the Secretary of State in
11 accordance with Section 2-118 of this Code, for the purpose of
12 resolving differences or disputes specifically related to the
13 scope of the issues identified in this Section relating to the
14 operation of a commercial motor vehicle. These proceedings will
15 be a matter of record and a final appealable order issued. The
16 petition for a CDL hearing shall not stay or delay the
17 effective date of the impending disqualification.

18 (h) The CDL hearing may be conducted upon a review of the
19 police officer's own official reports; provided however, that
20 the petitioner may subpoena the officer. Failure of the officer
21 to answer the subpoena shall be grounds for a continuance.

22 (i) Any CDL disqualification based upon a statutory summary
23 suspension resulting from an arrest of a CDL holder while
24 operating a non-commercial motor vehicle, may only be contested
25 by filing a petition to contest the statutory summary
26 suspension in the appropriate circuit court as provided for in

1 Section 2-118.1 of this Code.

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

3 (625 ILCS 5/6-521) (from Ch. 95 1/2, par. 6-521)

4 Sec. 6-521. Rulemaking Authority.

5 (a) The Secretary of State, using the authority to license
6 motor vehicle operators under this Code, may adopt such rules
7 and regulations as may be necessary to establish standards,
8 policies and procedures for the licensing and sanctioning of
9 commercial motor vehicle drivers in order to meet the
10 requirements of the Commercial Motor Vehicle Act of 1986
11 (CMVSA); subsequent federal rulemaking under 49 C.F.R. Part 383
12 or Part 1572; and administrative and policy decisions of the
13 U.S. Secretary of Transportation and the Federal Motor Carrier
14 Safety Highway Administration. The Secretary may, as provided
15 in the CMVSA, establish stricter requirements for the licensing
16 of commercial motor vehicle drivers than those established by
17 the federal government.

18 (b) By January 1, 1994, the Secretary of State shall
19 establish rules and regulations for the issuance of a
20 restricted commercial driver's license for farm-related
21 service industries consistent with federal guidelines. The
22 restricted license shall be available for a seasonal period or
23 periods not to exceed a total of 180 days in any 12 month
24 period.

25 (c) By July 1, 1995, the Secretary of State shall establish

1 rules and regulations, to be consistent with federal
2 guidelines, for the issuance and cancellation or withdrawal of
3 a restricted commercial driver's license that is limited to the
4 operation of a school bus. A driver whose restricted commercial
5 driver's license has been cancelled or withdrawn may contest
6 the sanction by requesting a hearing pursuant to Section 2-118
7 of this Code. The cancellation or withdrawal of the restricted
8 commercial driver's license shall remain in effect pending the
9 outcome of that hearing.

10 (d) By July 1, 1995, the Secretary of State shall establish
11 rules and regulations for the issuance and cancellation of a
12 School Bus Driver's Permit. The permit shall be required for
13 the operation of a school bus as provided in subsection (c), a
14 non-restricted CDL with passenger endorsement, or a properly
15 classified driver's license. The permit will establish that the
16 school bus driver has met all the requirements of the
17 application and screening process established by Section
18 6-106.1 of this Code.

19 (Source: P.A. 93-667, eff. 3-19-04.)

20 (625 ILCS 5/6-524) (from Ch. 95 1/2, par. 6-524)

21 Sec. 6-524. Penalties.

22 (a) Every person convicted of violating any provision of
23 this UCDLA for which another penalty is not provided shall for
24 a first offense be guilty of a petty offense; and for a second
25 conviction for any offense committed within 3 years of any

1 previous offense, shall be guilty of a Class B misdemeanor.

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

5 (c) Any person or employer convicted of violating paragraph
6 (5) of subsection (a) or subsection (b-3) or (b-5) of Section
7 6-506 shall be subject to a civil penalty of not less than
8 \$2,750 nor more than \$11,000.

9 (d) Any person convicted of violating paragraph (2) or (3)
10 of subsection (b) or subsection (b-3) or (b-5) of Section 6-507
11 shall be subject to a civil penalty of not less than \$1,100 nor
12 more than \$2,750.

13 (Source: P.A. 92-249, eff. 1-1-02.)

14 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

15 Sec. 11-501.1. Suspension of drivers license; statutory
16 summary alcohol, other drug or drugs, or intoxicating compound
17 or compounds related suspension; implied consent.

18 (a) Any person who drives or is in actual physical control
19 of a motor vehicle upon the public highways of this State shall
20 be deemed to have given consent, subject to the provisions of
21 Section 11-501.2, to a chemical test or tests of blood, breath,
22 or urine for the purpose of determining the content of alcohol,
23 other drug or drugs, or intoxicating compound or compounds or
24 any combination thereof in the person's blood if arrested, as
25 evidenced by the issuance of a Uniform Traffic Ticket, for any

1 offense as defined in Section 11-501 or a similar provision of
2 a local ordinance, or if arrested for violating Section 11-401.
3 The test or tests shall be administered at the direction of the
4 arresting officer. The law enforcement agency employing the
5 officer shall designate which of the aforesaid tests shall be
6 administered. A urine test may be administered even after a
7 blood or breath test or both has been administered. For
8 purposes of this Section, an Illinois law enforcement officer
9 of this State who is investigating the person for any offense
10 defined in Section 11-501 may travel into an adjoining state,
11 where the person has been transported for medical care, to
12 complete an investigation and to request that the person submit
13 to the test or tests set forth in this Section. The
14 requirements of this Section that the person be arrested are
15 inapplicable, but the officer shall issue the person a Uniform
16 Traffic Ticket for an offense as defined in Section 11-501 or a
17 similar provision of a local ordinance prior to requesting that
18 the person submit to the test or tests. The issuance of the
19 Uniform Traffic Ticket shall not constitute an arrest, but
20 shall be for the purpose of notifying the person that he or she
21 is subject to the provisions of this Section and of the
22 officer's belief of the existence of probable cause to arrest.
23 Upon returning to this State, the officer shall file the
24 Uniform Traffic Ticket with the Circuit Clerk of the county
25 where the offense was committed, and shall seek the issuance of
26 an arrest warrant or a summons for the person.

1 (b) Any person who is dead, unconscious, or who is
2 otherwise in a condition rendering the person incapable of
3 refusal, shall be deemed not to have withdrawn the consent
4 provided by paragraph (a) of this Section and the test or tests
5 may be administered, subject to the provisions of Section
6 11-501.2.

7 (c) A person requested to submit to a test as provided
8 above shall be warned by the law enforcement officer requesting
9 the test that a refusal to submit to the test will result in
10 the statutory summary suspension of the person's privilege to
11 operate a motor vehicle, as provided in Section 6-208.1 of this
12 Code, and will also result in the disqualification of the
13 person's privilege to operate a commercial motor vehicle, as
14 provided in Section 6-514 of this Code, if the person is a CDL
15 holder. The person shall also be warned by the law enforcement
16 officer that if the person submits to the test or tests
17 provided in paragraph (a) of this Section and the alcohol
18 concentration in the person's blood or breath is 0.08 or
19 greater, or any amount of a drug, substance, or compound
20 resulting from the unlawful use or consumption of cannabis as
21 covered by the Cannabis Control Act, a controlled substance
22 listed in the Illinois Controlled Substances Act, ~~or~~ an
23 intoxicating compound listed in the Use of Intoxicating
24 Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act is
26 detected in the person's blood or urine, a statutory summary

1 suspension of the person's privilege to operate a motor
2 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
3 Code, and a disqualification of the person's privilege to
4 operate a commercial motor vehicle, as provided in Section
5 6-514 of this Code, if the person is a CDL holder, will be
6 imposed.

7 A person who is under the age of 21 at the time the person
8 is requested to submit to a test as provided above shall, in
9 addition to the warnings provided for in this Section, be
10 further warned by the law enforcement officer requesting the
11 test that if the person submits to the test or tests provided
12 in paragraph (a) of this Section and the alcohol concentration
13 in the person's blood or breath is greater than 0.00 and less
14 than 0.08, a suspension of the person's privilege to operate a
15 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
16 of this Code, will be imposed. The results of this test shall
17 be admissible in a civil or criminal action or proceeding
18 arising from an arrest for an offense as defined in Section
19 11-501 of this Code or a similar provision of a local ordinance
20 or pursuant to Section 11-501.4 in prosecutions for reckless
21 homicide brought under the Criminal Code of 1961. These test
22 results, however, shall be admissible only in actions or
23 proceedings directly related to the incident upon which the
24 test request was made.

25 (d) If the person refuses testing or submits to a test that
26 discloses an alcohol concentration of 0.08 or more, or any

1 amount of a drug, substance, or intoxicating compound in the
2 person's breath, blood, or urine resulting from the unlawful
3 use or consumption of cannabis listed in the Cannabis Control
4 Act, a controlled substance listed in the Illinois Controlled
5 Substances Act, ~~or~~ an intoxicating compound listed in the Use
6 of Intoxicating Compounds Act, or methamphetamine as listed in
7 the Methamphetamine Control and Community Protection Act, the
8 law enforcement officer shall immediately submit a sworn report
9 to the circuit court of venue and the Secretary of State,
10 certifying that the test or tests was or were requested under
11 paragraph (a) and the person refused to submit to a test, or
12 tests, or submitted to testing that disclosed an alcohol
13 concentration of 0.08 or more.

14 (e) Upon receipt of the sworn report of a law enforcement
15 officer submitted under paragraph (d), the Secretary of State
16 shall enter the statutory summary suspension and
17 disqualification for the periods specified in Sections ~~Section~~
18 6-208.1 and 6-514, respectively, and effective as provided in
19 paragraph (g).

20 If the person is a first offender as defined in Section
21 11-500 of this Code, and is not convicted of a violation of
22 Section 11-501 of this Code or a similar provision of a local
23 ordinance, then reports received by the Secretary of State
24 under this Section shall, except during the actual time the
25 Statutory Summary Suspension is in effect, be privileged
26 information and for use only by the courts, police officers,

1 prosecuting authorities or the Secretary of State. However,
2 beginning January 1, 2008, if the person is a CDL holder, the
3 statutory summary suspension shall also be made available to
4 the driver licensing administrator of any other state, the U.S.
5 Department of Transportation, and the affected driver or motor
6 carrier or prospective motor carrier upon request.

7 (f) The law enforcement officer submitting the sworn report
8 under paragraph (d) shall serve immediate notice of the
9 statutory summary suspension on the person and the suspension
10 and disqualification shall be effective as provided in
11 paragraph (g). In cases where the blood alcohol concentration
12 of 0.08 or greater or any amount of a drug, substance, or
13 compound resulting from the unlawful use or consumption of
14 cannabis as covered by the Cannabis Control Act, a controlled
15 substance listed in the Illinois Controlled Substances Act, ~~or~~
16 an intoxicating compound listed in the Use of Intoxicating
17 Compounds Act, or methamphetamine as listed in the
18 Methamphetamine Control and Community Protection Act is
19 established by a subsequent analysis of blood or urine
20 collected at the time of arrest, the arresting officer or
21 arresting agency shall give notice as provided in this Section
22 or by deposit in the United States mail of the notice in an
23 envelope with postage prepaid and addressed to the person at
24 his address as shown on the Uniform Traffic Ticket and the
25 statutory summary suspension and disqualification shall begin
26 as provided in paragraph (g). The officer shall confiscate any

1 Illinois driver's license or permit on the person at the time
2 of arrest. If the person has a valid driver's license or
3 permit, the officer shall issue the person a receipt, in a form
4 prescribed by the Secretary of State, that will allow that
5 person to drive during the periods provided for in paragraph
6 (g). The officer shall immediately forward the driver's license
7 or permit to the circuit court of venue along with the sworn
8 report provided for in paragraph (d).

9 (g) The statutory summary suspension and disqualification
10 referred to in this Section shall take effect on the 46th day
11 following the date the notice of the statutory summary
12 suspension was given to the person.

13 (h) The following procedure shall apply whenever a person
14 is arrested for any offense as defined in Section 11-501 or a
15 similar provision of a local ordinance:

16 Upon receipt of the sworn report from the law enforcement
17 officer, the Secretary of State shall confirm the statutory
18 summary suspension by mailing a notice of the effective date of
19 the suspension to the person and the court of venue. The
20 Secretary of State shall also mail notice of the effective date
21 of the disqualification to the person. However, should the
22 sworn report be defective by not containing sufficient
23 information or be completed in error, the confirmation of the
24 statutory summary suspension shall not be mailed to the person
25 or entered to the record; instead, the sworn report shall be
26 forwarded to the court of venue with a copy returned to the

1 issuing agency identifying any defect.

2 (Source: P.A. 94-115, eff. 1-1-06.)

3 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

4 Sec. 11-501.6. Driver involvement in personal injury or
5 fatal motor vehicle accident - chemical test.

6 (a) Any person who drives or is in actual control of a
7 motor vehicle upon the public highways of this State and who
8 has been involved in a personal injury or fatal motor vehicle
9 accident, shall be deemed to have given consent to a breath
10 test using a portable device as approved by the Department of
11 State Police or to a chemical test or tests of blood, breath,
12 or urine for the purpose of determining the content of alcohol,
13 other drug or drugs, or intoxicating compound or compounds of
14 such person's blood if arrested as evidenced by the issuance of
15 a Uniform Traffic Ticket for any violation of the Illinois
16 Vehicle Code or a similar provision of a local ordinance, with
17 the exception of equipment violations contained in Chapter 12
18 of this Code, or similar provisions of local ordinances. The
19 test or tests shall be administered at the direction of the
20 arresting officer. The law enforcement agency employing the
21 officer shall designate which of the aforesaid tests shall be
22 administered. A urine test may be administered even after a
23 blood or breath test or both has been administered. Compliance
24 with this Section does not relieve such person from the
25 requirements of Section 11-501.1 of this Code.

1 (b) Any person who is dead, unconscious or who is otherwise
2 in a condition rendering such person incapable of refusal shall
3 be deemed not to have withdrawn the consent provided by
4 subsection (a) of this Section. In addition, if a driver of a
5 vehicle is receiving medical treatment as a result of a motor
6 vehicle accident, any physician licensed to practice medicine,
7 registered nurse or a phlebotomist acting under the direction
8 of a licensed physician shall withdraw blood for testing
9 purposes to ascertain the presence of alcohol, other drug or
10 drugs, or intoxicating compound or compounds, upon the specific
11 request of a law enforcement officer. However, no such testing
12 shall be performed until, in the opinion of the medical
13 personnel on scene, the withdrawal can be made without
14 interfering with or endangering the well-being of the patient.

15 (c) A person requested to submit to a test as provided
16 above shall be warned by the law enforcement officer requesting
17 the test that a refusal to submit to the test, or submission to
18 the test resulting in an alcohol concentration of 0.08 or more,
19 or any amount of a drug, substance, or intoxicating compound
20 resulting from the unlawful use or consumption of cannabis, as
21 covered by the Cannabis Control Act, a controlled substance
22 listed in the Illinois Controlled Substances Act, ~~or~~ an
23 intoxicating compound listed in the Use of Intoxicating
24 Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act as
26 detected in such person's blood or urine, may result in the

1 suspension of such person's privilege to operate a motor
2 vehicle and may result in the disqualification of the person's
3 privilege to operate a commercial motor vehicle, as provided in
4 Section 6-514 of this Code, if the person is a CDL holder. The
5 length of the suspension shall be the same as outlined in
6 Section 6-208.1 of this Code regarding statutory summary
7 suspensions.

8 (d) If the person refuses testing or submits to a test
9 which discloses an alcohol concentration of 0.08 or more, or
10 any amount of a drug, substance, or intoxicating compound in
11 such person's blood or urine resulting from the unlawful use or
12 consumption of cannabis listed in the Cannabis Control Act, a
13 controlled substance listed in the Illinois Controlled
14 Substances Act, ~~or~~ an intoxicating compound listed in the Use
15 of Intoxicating Compounds Act, or methamphetamine as listed in
16 the Methamphetamine Control and Community Protection Act, the
17 law enforcement officer shall immediately submit a sworn report
18 to the Secretary of State on a form prescribed by the
19 Secretary, certifying that the test or tests were requested
20 pursuant to subsection (a) and the person refused to submit to
21 a test or tests or submitted to testing which disclosed an
22 alcohol concentration of 0.08 or more, or any amount of a drug,
23 substance, or intoxicating compound in such person's blood or
24 urine, resulting from the unlawful use or consumption of
25 cannabis listed in the Cannabis Control Act, a controlled
26 substance listed in the Illinois Controlled Substances Act, ~~or~~

1 an intoxicating compound listed in the Use of Intoxicating
2 Compounds Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act.

4 Upon receipt of the sworn report of a law enforcement
5 officer, the Secretary shall enter the suspension and
6 disqualification to the individual's driving record and the
7 suspension and disqualification shall be effective on the 46th
8 day following the date notice of the suspension was given to
9 the person.

10 The law enforcement officer submitting the sworn report
11 shall serve immediate notice of this suspension on the person
12 and such suspension and disqualification shall be effective on
13 the 46th day following the date notice was given.

14 In cases where the blood alcohol concentration of 0.08 or
15 more, or any amount of a drug, substance, or intoxicating
16 compound resulting from the unlawful use or consumption of
17 cannabis as listed in the Cannabis Control Act, a controlled
18 substance listed in the Illinois Controlled Substances Act, ~~or~~
19 an intoxicating compound listed in the Use of Intoxicating
20 Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act, is
22 established by a subsequent analysis of blood or urine
23 collected at the time of arrest, the arresting officer shall
24 give notice as provided in this Section or by deposit in the
25 United States mail of such notice in an envelope with postage
26 prepaid and addressed to such person at his address as shown on

1 the Uniform Traffic Ticket and the suspension and
2 disqualification shall be effective on the 46th day following
3 the date notice was given.

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

14 (e) A driver may contest this suspension of his or her
15 driving privileges and disqualification of his or her CDL
16 privileges by requesting an administrative hearing with the
17 Secretary in accordance with Section 2-118 of this Code. At the
18 conclusion of a hearing held under Section 2-118 of this Code,
19 the Secretary may rescind, continue, or modify the orders ~~order~~
20 of suspension and disqualification. If the Secretary does not
21 rescind the orders of suspension and disqualification ~~order~~, a
22 restricted driving permit may be granted by the Secretary upon
23 application being made and good cause shown. A restricted
24 driving permit may be granted to relieve undue hardship to
25 allow driving for employment, educational, and medical
26 purposes as outlined in Section 6-206 of this Code. The

1 provisions of Section 6-206 of this Code shall apply. In
2 accordance with 49 C.F.R. 384, the Secretary of State may not
3 issue a restricted driving permit for the operation of a
4 commercial motor vehicle to a person holding a CDL whose
5 driving privileges have been suspended, revoked, cancelled, or
6 disqualified.

7 (f) (Blank).

8 (g) For the purposes of this Section, a personal injury
9 shall include any type A injury as indicated on the traffic
10 accident report completed by a law enforcement officer that
11 requires immediate professional attention in either a doctor's
12 office or a medical facility. A type A injury shall include
13 severely bleeding wounds, distorted extremities, and injuries
14 that require the injured party to be carried from the scene.

15 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-357,
16 eff. 7-29-99; 91-828, eff. 1-1-01.)

17 (625 ILCS 5/11-501.8)

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

20 (a) A person who is less than 21 years of age and who
21 drives or is in actual physical control of a motor vehicle upon
22 the public highways of this State shall be deemed to have given
23 consent to a chemical test or tests of blood, breath, or urine
24 for the purpose of determining the alcohol content of the
25 person's blood if arrested, as evidenced by the issuance of a

1 Uniform Traffic Ticket for any violation of the Illinois
2 Vehicle Code or a similar provision of a local ordinance, if a
3 police officer has probable cause to believe that the driver
4 has consumed any amount of an alcoholic beverage based upon
5 evidence of the driver's physical condition or other first hand
6 knowledge of the police officer. The test or tests shall be
7 administered at the direction of the arresting officer. The law
8 enforcement agency employing the officer shall designate which
9 of the aforesaid tests shall be administered. A urine test may
10 be administered even after a blood or breath test or both has
11 been administered.

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

17 (i) Chemical analysis of the person's blood, urine,
18 breath, or other bodily substance, to be considered valid
19 under the provisions of this Section, shall have been
20 performed according to standards promulgated by the
21 Department of State Police by an individual possessing a
22 valid permit issued by that Department for this purpose.
23 The Director of State Police is authorized to approve
24 satisfactory techniques or methods, to ascertain the
25 qualifications and competence of individuals to conduct
26 analyses, to issue permits that shall be subject to

1 termination or revocation at the direction of that
2 Department, and to certify the accuracy of breath testing
3 equipment. The Department of State Police shall prescribe
4 regulations as necessary.

5 (ii) When a person submits to a blood test at the
6 request of a law enforcement officer under the provisions
7 of this Section, only a physician authorized to practice
8 medicine, a registered nurse, or other qualified person
9 trained in venipuncture and acting under the direction of a
10 licensed physician may withdraw blood for the purpose of
11 determining the alcohol content therein. This limitation
12 does not apply to the taking of breath or urine specimens.

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

21 (iv) Upon a request of the person who submits to a
22 chemical test or tests at the request of a law enforcement
23 officer, full information concerning the test or tests
24 shall be made available to the person or that person's
25 attorney.

26 (v) Alcohol concentration means either grams of

1 alcohol per 100 milliliters of blood or grams of alcohol
2 per 210 liters of breath.

3 (vi) If a driver is receiving medical treatment as a
4 result of a motor vehicle accident, a physician licensed to
5 practice medicine, registered nurse, or other qualified
6 person trained in venipuncture and acting under the
7 direction of a licensed physician shall withdraw blood for
8 testing purposes to ascertain the presence of alcohol upon
9 the specific request of a law enforcement officer. However,
10 that testing shall not be performed until, in the opinion
11 of the medical personnel on scene, the withdrawal can be
12 made without interfering with or endangering the
13 well-being of the patient.

14 (c) A person requested to submit to a test as provided
15 above shall be warned by the law enforcement officer requesting
16 the test that a refusal to submit to the test, or submission to
17 the test resulting in an alcohol concentration of more than
18 0.00, may result in the loss of that person's privilege to
19 operate a motor vehicle and may result in the disqualification
20 of the person's privilege to operate a commercial motor
21 vehicle, as provided in Section 6-514 of this Code, if the
22 person is a CDL holder. The loss of driving privileges shall be
23 imposed in accordance with Section 6-208.2 of this Code.

24 (d) If the person refuses testing or submits to a test that
25 discloses an alcohol concentration of more than 0.00, the law
26 enforcement officer shall immediately submit a sworn report to

1 the Secretary of State on a form prescribed by the Secretary of
2 State, certifying that the test or tests were requested under
3 subsection (a) and the person refused to submit to a test or
4 tests or submitted to testing which disclosed an alcohol
5 concentration of more than 0.00. The law enforcement officer
6 shall submit the same sworn report when a person under the age
7 of 21 submits to testing under Section 11-501.1 of this Code
8 and the testing discloses an alcohol concentration of more than
9 0.00 and less than 0.08.

10 Upon receipt of the sworn report of a law enforcement
11 officer, the Secretary of State shall enter the suspension and
12 disqualification ~~driver's license sanction~~ on the individual's
13 driving record and the suspension and disqualification
14 ~~sanctions~~ shall be effective on the 46th day following the date
15 notice of the suspension ~~sanction~~ was given to the person. If
16 this suspension ~~sanction~~ is the individual's first driver's
17 license suspension under this Section, reports received by the
18 Secretary of State under this Section shall, except during the
19 time the suspension is in effect, be privileged information and
20 for use only by the courts, police officers, prosecuting
21 authorities, the Secretary of State, or the individual
22 personally. However, beginning January 1, 2008, if the person
23 is a CDL holder, the report of suspension shall also be made
24 available to the driver licensing administrator of any other
25 state, the U.S. Department of Transportation, and the affected
26 driver or motor carrier or prospective motor carrier upon

1 request.

2 The law enforcement officer submitting the sworn report
3 shall serve immediate notice of this suspension ~~driver's~~
4 ~~license sanction~~ on the person and the suspension and
5 disqualification ~~sanction~~ shall be effective on the 46th day
6 following the date notice was given.

7 In cases where the blood alcohol concentration of more than
8 0.00 is established by a subsequent analysis of blood or urine,
9 the police officer or arresting agency shall give notice as
10 provided in this Section or by deposit in the United States
11 mail of that notice in an envelope with postage prepaid and
12 addressed to that person at his last known address and the loss
13 of driving privileges shall be effective on the 46th day
14 following the date notice was given.

15 Upon receipt of the sworn report of a law enforcement
16 officer, the Secretary of State shall also give notice of the
17 suspension and disqualification ~~driver's license sanction~~ to
18 the driver by mailing a notice of the effective date of the
19 suspension and disqualification ~~sanction~~ to the individual.
20 However, should the sworn report be defective by not containing
21 sufficient information or be completed in error, the notice of
22 the suspension and disqualification shall ~~driver's license~~
23 ~~sanction may~~ not be mailed to the person or entered to the
24 driving record, but rather the sworn report shall be returned
25 to the issuing law enforcement agency.

26 (e) A driver may contest this suspension and

1 disqualification ~~driver's license sanction~~ by requesting an
2 administrative hearing with the Secretary of State in
3 accordance with Section 2-118 of this Code. An individual whose
4 blood alcohol concentration is shown to be more than 0.00 is
5 not subject to this Section if he or she consumed alcohol in
6 the performance of a religious service or ceremony. An
7 individual whose blood alcohol concentration is shown to be
8 more than 0.00 shall not be subject to this Section if the
9 individual's blood alcohol concentration resulted only from
10 ingestion of the prescribed or recommended dosage of medicine
11 that contained alcohol. The petition for that hearing shall not
12 stay or delay the effective date of the impending suspension.
13 The scope of this hearing shall be limited to the issues of:

14 (1) whether the police officer had probable cause to
15 believe that the person was driving or in actual physical
16 control of a motor vehicle upon the public highways of the
17 State and the police officer had reason to believe that the
18 person was in violation of any provision of the Illinois
19 Vehicle Code or a similar provision of a local ordinance;
20 and

21 (2) whether the person was issued a Uniform Traffic
22 Ticket for any violation of the Illinois Vehicle Code or a
23 similar provision of a local ordinance; and

24 (3) whether the police officer had probable cause to
25 believe that the driver had consumed any amount of an
26 alcoholic beverage based upon the driver's physical

1 actions or other first-hand knowledge of the police
2 officer; and

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

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

16 (6) whether the test result of an alcohol concentration
17 of more than 0.00 was based upon the person's consumption
18 of alcohol in the performance of a religious service or
19 ceremony; and

20 (7) whether the test result of an alcohol concentration
21 of more than 0.00 was based upon the person's consumption
22 of alcohol through ingestion of the prescribed or
23 recommended dosage of medicine.

24 Provided that the petitioner may subpoena the officer, the
25 hearing may be conducted upon a review of the law enforcement
26 officer's own official reports. Failure of the officer to

1 answer the subpoena shall be grounds for a continuance if, in
2 the hearing officer's discretion, the continuance is
3 appropriate. At the conclusion of the hearing held under
4 Section 2-118 of this Code, the Secretary of State may rescind,
5 continue, or modify the suspension and disqualification
6 ~~driver's license sanction~~. If the Secretary of State does not
7 rescind the suspension and disqualification ~~sanction~~, a
8 restricted driving permit may be granted by the Secretary of
9 State upon application being made and good cause shown. A
10 restricted driving permit may be granted to relieve undue
11 hardship by allowing driving for employment, educational, and
12 medical purposes as outlined in item (3) of part (c) of Section
13 6-206 of this Code. The provisions of item (3) of part (c) of
14 Section 6-206 of this Code and of subsection (f) of that
15 Section shall apply. The Secretary of State shall promulgate
16 rules providing for participation in an alcohol education and
17 awareness program or activity, a drug education and awareness
18 program or activity, or both as a condition to the issuance of
19 a restricted driving permit for suspensions imposed under this
20 Section.

21 (f) The results of any chemical testing performed in
22 accordance with subsection (a) of this Section are not
23 admissible in any civil or criminal proceeding, except that the
24 results of the testing may be considered at a hearing held
25 under Section 2-118 of this Code. However, the results of the
26 testing may not be used to impose driver's license sanctions

1 under Section 11-501.1 of this Code. A law enforcement officer
2 may, however, pursue a statutory summary suspension of driving
3 privileges under Section 11-501.1 of this Code if other
4 physical evidence or first hand knowledge forms the basis of
5 that suspension.

6 (g) This Section applies only to drivers who are under age
7 21 at the time of the issuance of a Uniform Traffic Ticket for
8 a violation of the Illinois Vehicle Code or a similar provision
9 of a local ordinance, and a chemical test request is made under
10 this Section.

11 (h) The action of the Secretary of State in suspending,
12 revoking, cancelling, or disqualifying ~~denying~~ any license or ~~7~~
13 ~~permit, registration, or certificate of title~~ shall be subject
14 to judicial review in the Circuit Court of Sangamon County or
15 in the Circuit Court of Cook County, and the provisions of the
16 Administrative Review Law and its rules are hereby adopted and
17 shall apply to and govern every action for the judicial review
18 of final acts or decisions of the Secretary of State under this
19 Section.

20 (Source: P.A. 94-307, eff. 9-30-05.)

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

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2 625 ILCS 5/11-501.8