



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0292

Introduced 01/28/11, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code to provide that school districts must provide instruction in relation to the laws regarding the operation of all-terrain vehicles and off-highway motorcycles in grades kindergarten through 12 and may include the instruction in social studies, American government, driver education, or other appropriate courses of study. Amends the Illinois Vehicle Code to prohibit any use of all-terrain vehicles or off-highway vehicles on roads. Provides that the Secretary of State may suspend a person's driver's license for 6 months for a violation of provisions relating to the illegal use of all-terrain vehicles and off-highway motorcycles on streets and riding an all-terrain vehicle or off-highway motorcycle as a passenger. Provides that it is illegal to operate an all-terrain vehicle or off-highway motorcycle if the operator is under the age of 16, does not have a valid driver's license, or is not wearing a properly fitted helmet secured to the person's head. Provides that a person must demonstrate knowledge of all-terrain vehicle and off-highway motorcycle laws on the written examination for a driver's license, and provides that information relating to all-terrain vehicle and off-highway motorcycle laws must be contained in publications of the "Rules of the Road" by the Secretary of State and "Laws for Youth" by the Legislative Research Unit.

LRB097 06655 HEP 46741 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning all-terrain vehicles, which may be
2 referred to as Lacey's Law.

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

5 Section 5. The School Code is amended by changing Section
6 27-24.2 and by adding Section 27-23.11 as follows:

7 (105 ILCS 5/27-23.11 new)

8 Sec. 27-23.11. Education on all-terrain vehicle and
9 off-highway motorcycle laws. School districts shall provide
10 instruction in relation to the laws regarding the operation of
11 all-terrain vehicles, as defined by Section 1-101.8 of the
12 Illinois Vehicle Code, and off-highway motorcycles, as defined
13 by Section 1-153.1 of the Illinois Vehicle Code, in grades
14 kindergarten through 12 and shall include such instruction in
15 social studies, American government, driver education, or
16 other appropriate courses of study. The instruction shall
17 emphasize that the illegal operation of all-terrain vehicles
18 and off-highway motorcycles presents a serious safety hazard to
19 persons who operate all-terrain vehicles and off-highway
20 motorcycles in violation of the laws of this State. The State
21 Board of Education may assist in the development of
22 instructional materials and teacher training in relation to
23 all-terrain vehicle and off-highway motorcycle laws.

1 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

2 Sec. 27-24.2. Safety education; driver education course.
3 Instruction shall be given in safety education in each of
4 grades one through 8, equivalent to one class period each week,
5 and any school district which maintains grades 9 through 12
6 shall offer a driver education course in any such school which
7 it operates. Its curriculum shall include content dealing with
8 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,
9 the rules adopted pursuant to those Chapters insofar as they
10 pertain to the operation of motor vehicles, and the portions of
11 the Litter Control Act relating to the operation of motor
12 vehicles. The course of instruction given in grades 10 through
13 12 shall include an emphasis on the development of knowledge,
14 attitudes, habits, and skills necessary for the safe operation
15 of motor vehicles, including motorcycles insofar as they can be
16 taught in the classroom, and instruction on distracted driving
17 as a major traffic safety issue. In addition, the course shall
18 include instruction on special hazards existing at and required
19 safety and driving precautions that must be observed at
20 emergency situations, highway construction and maintenance
21 zones, and railroad crossings and the approaches thereto. The
22 course of instruction required of each eligible student at the
23 high school level shall consist of a minimum of 30 clock hours
24 of classroom instruction and a minimum of 6 clock hours of
25 individual behind-the-wheel instruction in a dual control car

1 on public roadways taught by a driver education instructor
2 endorsed by the State Board of Education. Both the classroom
3 instruction part and the practice driving part of such driver
4 education course shall be open to a resident or non-resident
5 student attending a non-public school in the district wherein
6 the course is offered. Each student attending any public or
7 non-public high school in the district must receive a passing
8 grade in at least 8 courses during the previous 2 semesters
9 prior to enrolling in a driver education course, or the student
10 shall not be permitted to enroll in the course; provided that
11 the local superintendent of schools (with respect to a student
12 attending a public high school in the district) or chief school
13 administrator (with respect to a student attending a non-public
14 high school in the district) may waive the requirement if the
15 superintendent or chief school administrator, as the case may
16 be, deems it to be in the best interest of the student. A
17 student may be allowed to commence the classroom instruction
18 part of such driver education course prior to reaching age 15
19 if such student then will be eligible to complete the entire
20 course within 12 months after being allowed to commence such
21 classroom instruction.

22 Such a course may be commenced immediately after the
23 completion of a prior course. Teachers of such courses shall
24 meet the certification requirements of this Act and regulations
25 of the State Board as to qualifications. Such a driver
26 education course must include classroom instruction on the

1 safety rules and operation of all-terrain vehicles and
2 off-highway motorcycles.

3 Subject to rules of the State Board of Education, the
4 school district may charge a reasonable fee, not to exceed \$50,
5 to students who participate in the course, unless a student is
6 unable to pay for such a course, in which event the fee for
7 such a student must be waived. The total amount from driver
8 education fees and reimbursement from the State for driver
9 education must not exceed the total cost of the driver
10 education program in any year and must be deposited into the
11 school district's driver education fund as a separate line item
12 budget entry. All moneys deposited into the school district's
13 driver education fund must be used solely for the funding of a
14 high school driver education program approved by the State
15 Board of Education that uses driver education instructors
16 endorsed by the State Board of Education.

17 (Source: P.A. 95-339, eff. 8-21-07; 96-734, eff. 8-25-09.)

18 Section 10. The Illinois Vehicle Code is amended by
19 changing Sections 6-109, 6-206, 11-1426.1, and 11-1427 and by
20 adding Section 11-1427.6 as follows:

21 (625 ILCS 5/6-109)

22 Sec. 6-109. Examination of Applicants.

23 (a) The Secretary of State shall examine every applicant
24 for a driver's license or permit who has not been previously

1 licensed as a driver under the laws of this State or any other
2 state or country, or any applicant for renewal of such driver's
3 license or permit when such license or permit has been expired
4 for more than one year. The Secretary of State shall, subject
5 to the provisions of paragraph (c), examine every licensed
6 driver at least every 8 years, and may examine or re-examine
7 any other applicant or licensed driver, provided that during
8 the years 1984 through 1991 those drivers issued a license for
9 3 years may be re-examined not less than every 7 years or more
10 than every 10 years.

11 The Secretary of State shall require the testing of the
12 eyesight of any driver's license or permit applicant who has
13 not been previously licensed as a driver under the laws of this
14 State and shall promulgate rules and regulations to provide for
15 the orderly administration of all the provisions of this
16 Section.

17 The Secretary of State shall include at least one test
18 question that concerns the provisions of the Pedestrians with
19 Disabilities Safety Act in the question pool used for the
20 written portion of the drivers license examination within one
21 year after July 22, 2010 (the effective date of Public Act
22 96-1167) ~~this amendatory Act of the 96th General Assembly.~~

23 (b) Except as provided for those applicants in paragraph
24 (c), such examination shall include a test of the applicant's
25 eyesight, his ability to read and understand official traffic
26 control devices, his knowledge of safe driving practices and

1 the traffic and all-terrain vehicle and off-highway motorcycle
2 laws of this State, and may include an actual demonstration of
3 the applicant's ability to exercise ordinary and reasonable
4 control of the operation of a motor vehicle, and such further
5 physical and mental examination as the Secretary of State finds
6 necessary to determine the applicant's fitness to operate a
7 motor vehicle safely on the highways, except the examination of
8 an applicant 75 years of age or older shall include an actual
9 demonstration of the applicant's ability to exercise ordinary
10 and reasonable control of the operation of a motor vehicle. All
11 portions of written and verbal examinations under this Section,
12 excepting where the English language appears on facsimiles of
13 road signs, may be given in the Spanish language and, at the
14 discretion of the Secretary of State, in any other language as
15 well as in English upon request of the examinee. Deaf persons
16 who are otherwise qualified are not prohibited from being
17 issued a license, other than a commercial driver's license,
18 under this Code.

19 (c) Re-examination for those applicants who at the time of
20 renewing their driver's license possess a driving record devoid
21 of any convictions of traffic violations or evidence of
22 committing an offense for which mandatory revocation would be
23 required upon conviction pursuant to Section 6-205 at the time
24 of renewal shall be in a manner prescribed by the Secretary in
25 order to determine an applicant's ability to safely operate a
26 motor vehicle, except that every applicant for the renewal of a

1 driver's license who is 75 years of age or older must prove, by
2 an actual demonstration, the applicant's ability to exercise
3 reasonable care in the safe operation of a motor vehicle.

4 (d) In the event the applicant is not ineligible under the
5 provisions of Section 6-103 to receive a driver's license, the
6 Secretary of State shall make provision for giving an
7 examination, either in the county where the applicant resides
8 or at a place adjacent thereto reasonably convenient to the
9 applicant, within not more than 30 days from the date said
10 application is received.

11 (e) The Secretary of State may adopt rules regarding the
12 use of foreign language interpreters during the application and
13 examination process.

14 (Source: P.A. 96-1167, eff. 7-22-10; 96-1231, eff. 7-23-10;
15 revised 9-2-10.)

16 (625 ILCS 5/6-206)

17 (Text of Section before amendment by P.A. 96-1344)

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

20 (a) The Secretary of State is authorized to suspend or
21 revoke the driving privileges of any person without preliminary
22 hearing upon a showing of the person's records or other
23 sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
25 revocation of a driver's license or permit is required upon

1 conviction;

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

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

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

26 5. Has permitted an unlawful or fraudulent use of a

1 driver's license, identification card, or permit;

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

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

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

11 9. Has made a false statement or knowingly concealed a
12 material fact or has used false information or
13 identification in any application for a license,
14 identification card, or permit;

15 10. Has possessed, displayed, or attempted to
16 fraudulently use any license, identification card, or
17 permit not issued to the person;

18 11. Has operated a motor vehicle upon a highway of this
19 State when the person's driving privilege or privilege to
20 obtain a driver's license or permit was revoked or
21 suspended unless the operation was authorized by a
22 monitoring device driving permit, judicial driving permit
23 issued prior to January 1, 2009, probationary license to
24 drive, or a restricted driving permit issued under this
25 Code;

26 12. Has submitted to any portion of the application

1 process for another person or has obtained the services of
2 another person to submit to any portion of the application
3 process for the purpose of obtaining a license,
4 identification card, or permit for some other person;

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

8 14. Has committed a violation of Section 6-301,
9 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
10 of the Illinois Identification Card Act;

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

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

17 17. Has refused to submit to a test, or tests, as
18 required under Section 11-501.1 of this Code and the person
19 has not sought a hearing as provided for in Section
20 11-501.1;

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

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

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

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

7 22. Has used a motor vehicle in violating paragraph
8 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
9 the Criminal Code of 1961 relating to unlawful use of
10 weapons, in which case the suspension shall be for one
11 year;

12 23. Has, as a driver, been convicted of committing a
13 violation of paragraph (a) of Section 11-502 of this Code
14 for a second or subsequent time within one year of a
15 similar violation;

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

22 25. Has permitted any form of identification to be used
23 by another in the application process in order to obtain or
24 attempt to obtain a license, identification card, or
25 permit;

26 26. Has altered or attempted to alter a license or has

1 possessed an altered license, identification card, or
2 permit;

3 27. Has violated Section 6-16 of the Liquor Control Act
4 of 1934;

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

1 Secretary of State;

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

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

17 31. Has refused to submit to a test as required by
18 Section 11-501.6 or has submitted to a test resulting in an
19 alcohol concentration of 0.08 or more or any amount of a
20 drug, substance, or compound resulting from the unlawful
21 use or consumption of cannabis as listed in the Cannabis
22 Control Act, a controlled substance as listed in the
23 Illinois Controlled Substances Act, an intoxicating
24 compound as listed in the Use of Intoxicating Compounds
25 Act, or methamphetamine as listed in the Methamphetamine
26 Control and Community Protection Act, in which case the

1 penalty shall be as prescribed in Section 6-208.1;

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

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

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

13 35. Has committed a violation of Section 11-1301.6 of
14 this Code;

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

21 37. Has committed a violation of subsection (c) of
22 Section 11-907 of this Code that resulted in damage to the
23 property of another or the death or injury of another;

24 38. Has been convicted of a violation of Section 6-20
25 of the Liquor Control Act of 1934 or a similar provision of
26 a local ordinance;

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

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

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

9 42. Has committed a violation of subsection (a-1) of
10 Section 11-1301.3 of this Code;

11 43. Has received a disposition of court supervision for
12 a violation of subsection (a), (d), or (e) of Section 6-20
13 of the Liquor Control Act of 1934 or a similar provision of
14 a local ordinance, in which case the suspension shall be
15 for a period of 3 months;

16 44. Is under the age of 21 years at the time of arrest
17 and has been convicted of an offense against traffic
18 regulations governing the movement of vehicles after
19 having previously had his or her driving privileges
20 suspended or revoked pursuant to subparagraph 36 of this
21 Section; ~~or~~

22 45. Has, in connection with or during the course of a
23 formal hearing conducted under Section 2-118 of this Code:
24 (i) committed perjury; (ii) submitted fraudulent or
25 falsified documents; (iii) submitted documents that have
26 been materially altered; or (iv) submitted, as his or her

1 own, documents that were in fact prepared or composed for
2 another person; or -

3 46. Has committed a violation of Section 11-1426.1
4 involving an all-terrain vehicle or off-highway
5 motorcycle, paragraph (4) of subsection (i) of Section
6 11-1427 of this Code, or similar provisions of a local
7 ordinance, in which case the suspension shall be for a
8 period of 6 months.

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

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

25 (c) 1. Upon suspending or revoking the driver's license or
26 permit of any person as authorized in this Section, the

1 Secretary of State shall immediately notify the person in
2 writing of the revocation or suspension. The notice to be
3 deposited in the United States mail, postage prepaid, to the
4 last known address of the person.

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

1 privilege to drive any motor vehicle shall be suspended as
2 set forth in the notice that was mailed under this Section.
3 If an affidavit is received subsequent to the effective
4 date of this suspension, a permit may be issued for the
5 remainder of the suspension period.

6 The provisions of this subparagraph shall not apply to
7 any driver required to possess a CDL for the purpose of
8 operating a commercial motor vehicle.

9 Any person who falsely states any fact in the affidavit
10 required herein shall be guilty of perjury under Section
11 6-302 and upon conviction thereof shall have all driving
12 privileges revoked without further rights.

13 3. At the conclusion of a hearing under Section 2-118
14 of this Code, the Secretary of State shall either rescind
15 or continue an order of revocation or shall substitute an
16 order of suspension; or, good cause appearing therefor,
17 rescind, continue, change, or extend the order of
18 suspension. If the Secretary of State does not rescind the
19 order, the Secretary may upon application, to relieve undue
20 hardship (as defined by the rules of the Secretary of
21 State), issue a restricted driving permit granting the
22 privilege of driving a motor vehicle between the
23 petitioner's residence and petitioner's place of
24 employment or within the scope of the petitioner's
25 employment related duties, or to allow the petitioner to
26 transport himself or herself, or a family member of the

1 petitioner's household to a medical facility, to receive
2 necessary medical care, to allow the petitioner to
3 transport himself or herself to and from alcohol or drug
4 remedial or rehabilitative activity recommended by a
5 licensed service provider, or to allow the petitioner to
6 transport himself or herself or a family member of the
7 petitioner's household to classes, as a student, at an
8 accredited educational institution, or to allow the
9 petitioner to transport children, elderly persons, or
10 disabled persons who do not hold driving privileges and are
11 living in the petitioner's household to and from daycare.
12 The petitioner must demonstrate that no alternative means
13 of transportation is reasonably available and that the
14 petitioner will not endanger the public safety or welfare.
15 Those multiple offenders identified in subdivision (b)4 of
16 Section 6-208 of this Code, however, shall not be eligible
17 for the issuance of a restricted driving permit.

18 (A) If a person's license or permit is revoked or
19 suspended due to 2 or more convictions of violating
20 Section 11-501 of this Code or a similar provision of a
21 local ordinance or a similar out-of-state offense, or
22 Section 9-3 of the Criminal Code of 1961, where the use
23 of alcohol or other drugs is recited as an element of
24 the offense, or a similar out-of-state offense, or a
25 combination of these offenses, arising out of separate
26 occurrences, that person, if issued a restricted

1 driving permit, may not operate a vehicle unless it has
2 been equipped with an ignition interlock device as
3 defined in Section 1-129.1.

4 (B) If a person's license or permit is revoked or
5 suspended 2 or more times within a 10 year period due
6 to any combination of:

7 (i) a single conviction of violating Section
8 11-501 of this Code or a similar provision of a
9 local ordinance or a similar out-of-state offense
10 or Section 9-3 of the Criminal Code of 1961, where
11 the use of alcohol or other drugs is recited as an
12 element of the offense, or a similar out-of-state
13 offense; or

14 (ii) a statutory summary suspension under
15 Section 11-501.1; or

16 (iii) a suspension under Section 6-203.1;
17 arising out of separate occurrences; that person, if
18 issued a restricted driving permit, may not operate a
19 vehicle unless it has been equipped with an ignition
20 interlock device as defined in Section 1-129.1.

21 (C) The person issued a permit conditioned upon the
22 use of an ignition interlock device must pay to the
23 Secretary of State DUI Administration Fund an amount
24 not to exceed \$30 per month. The Secretary shall
25 establish by rule the amount and the procedures, terms,
26 and conditions relating to these fees.

1 (D) If the restricted driving permit is issued for
2 employment purposes, then the prohibition against
3 operating a motor vehicle that is not equipped with an
4 ignition interlock device does not apply to the
5 operation of an occupational vehicle owned or leased by
6 that person's employer when used solely for employment
7 purposes.

8 (E) In each case the Secretary may issue a
9 restricted driving permit for a period deemed
10 appropriate, except that all permits shall expire
11 within one year from the date of issuance. The
12 Secretary may not, however, issue a restricted driving
13 permit to any person whose current revocation is the
14 result of a second or subsequent conviction for a
15 violation of Section 11-501 of this Code or a similar
16 provision of a local ordinance or any similar
17 out-of-state offense, or Section 9-3 of the Criminal
18 Code of 1961, where the use of alcohol or other drugs
19 is recited as an element of the offense, or any similar
20 out-of-state offense, or any combination of those
21 offenses, until the expiration of at least one year
22 from the date of the revocation. A restricted driving
23 permit issued under this Section shall be subject to
24 cancellation, revocation, and suspension by the
25 Secretary of State in like manner and for like cause as
26 a driver's license issued under this Code may be

1 cancelled, revoked, or suspended; except that a
2 conviction upon one or more offenses against laws or
3 ordinances regulating the movement of traffic shall be
4 deemed sufficient cause for the revocation,
5 suspension, or cancellation of a restricted driving
6 permit. The Secretary of State may, as a condition to
7 the issuance of a restricted driving permit, require
8 the applicant to participate in a designated driver
9 remedial or rehabilitative program. The Secretary of
10 State is authorized to cancel a restricted driving
11 permit if the permit holder does not successfully
12 complete the program.

13 (c-3) In the case of a suspension under paragraph 43 of
14 subsection (a), reports received by the Secretary of State
15 under this Section shall, except during the actual time the
16 suspension is in effect, be privileged information and for use
17 only by the courts, police officers, prosecuting authorities,
18 the driver licensing administrator of any other state, the
19 Secretary of State, or the parent or legal guardian of a driver
20 under the age of 18. However, beginning January 1, 2008, if the
21 person is a CDL holder, the suspension shall also be made
22 available to the driver licensing administrator of any other
23 state, the U.S. Department of Transportation, and the affected
24 driver or motor carrier or prospective motor carrier upon
25 request.

26 (c-4) In the case of a suspension under paragraph 43 of

1 subsection (a), the Secretary of State shall notify the person
2 by mail that his or her driving privileges and driver's license
3 will be suspended one month after the date of the mailing of
4 the notice.

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

12 (d) This Section is subject to the provisions of the
13 Drivers License Compact.

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

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

23 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
24 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
25 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
26 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;

1 96-1305, eff. 1-1-11; revised 9-2-10.)

2 (Text of Section after amendment by P.A. 96-1344)

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

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

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

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

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

25 4. Has by the unlawful operation of a motor vehicle

1 caused or contributed to an accident resulting in injury
2 requiring immediate professional treatment in a medical
3 facility or doctor's office to any person, except that any
4 suspension or revocation imposed by the Secretary of State
5 under the provisions of this subsection shall start no
6 later than 6 months after being convicted of violating a
7 law or ordinance regulating the movement of traffic, which
8 violation is related to the accident, or shall start not
9 more than one year after the date of the accident,
10 whichever date occurs later;

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

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

17 7. Has refused or failed to submit to an examination
18 provided for by Section 6-207 or has failed to pass the
19 examination;

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

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

26 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this
4 State when the person's driving privilege or privilege to
5 obtain a driver's license or permit was revoked or
6 suspended unless the operation was authorized by a
7 monitoring device driving permit, judicial driving permit
8 issued prior to January 1, 2009, probationary license to
9 drive, or a restricted driving permit issued under this
10 Code;

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

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

19 14. Has committed a violation of Section 6-301,
20 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
21 of the Illinois Identification Card Act;

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

26 16. Has been convicted of violating Section 11-204 of

1 this Code relating to fleeing from a peace officer;

2 17. Has refused to submit to a test, or tests, as
3 required under Section 11-501.1 of this Code and the person
4 has not sought a hearing as provided for in Section
5 11-501.1;

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

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

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

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

18 22. Has used a motor vehicle in violating paragraph
19 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
20 the Criminal Code of 1961 relating to unlawful use of
21 weapons, in which case the suspension shall be for one
22 year;

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

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

7 25. Has permitted any form of identification to be used
8 by another in the application process in order to obtain or
9 attempt to obtain a license, identification card, or
10 permit;

11 26. Has altered or attempted to alter a license or has
12 possessed an altered license, identification card, or
13 permit;

14 27. Has violated Section 6-16 of the Liquor Control Act
15 of 1934;

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

1 in actual physical control, as a driver, of a motor
2 vehicle, of any controlled substance prohibited under the
3 Illinois Controlled Substances Act, any cannabis
4 prohibited under the Cannabis Control Act, or any
5 methamphetamine prohibited under the Methamphetamine
6 Control and Community Protection Act shall be suspended for
7 5 years. Any defendant found guilty of this offense while
8 operating a motor vehicle, shall have an entry made in the
9 court record by the presiding judge that this offense did
10 occur while the defendant was operating a motor vehicle and
11 order the clerk of the court to report the violation to the
12 Secretary of State;

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

24 30. Has been convicted a second or subsequent time for
25 any combination of the offenses named in paragraph 29 of
26 this subsection, in which case the person's driving

1 privileges shall be suspended for 5 years;

2 31. Has refused to submit to a test as required by
3 Section 11-501.6 or has submitted to a test resulting in an
4 alcohol concentration of 0.08 or more or any amount of a
5 drug, substance, or compound resulting from the unlawful
6 use or consumption of cannabis as listed in the Cannabis
7 Control Act, a controlled substance as listed in the
8 Illinois Controlled Substances Act, an intoxicating
9 compound as listed in the Use of Intoxicating Compounds
10 Act, or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act, in which case the
12 penalty shall be as prescribed in Section 6-208.1;

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

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

22 34. Has committed a violation of Section 11-1301.5 of
23 this Code;

24 35. Has committed a violation of Section 11-1301.6 of
25 this Code;

26 36. Is under the age of 21 years at the time of arrest

1 and has been convicted of not less than 2 offenses against
2 traffic regulations governing the movement of vehicles
3 committed within any 24 month period. No revocation or
4 suspension shall be entered more than 6 months after the
5 date of last conviction;

6 37. Has committed a violation of subsection (c) of
7 Section 11-907 of this Code that resulted in damage to the
8 property of another or the death or injury of another;

9 38. Has been convicted of a violation of Section 6-20
10 of the Liquor Control Act of 1934 or a similar provision of
11 a local ordinance;

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

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

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

20 42. Has committed a violation of subsection (a-1) of
21 Section 11-1301.3 of this Code;

22 43. Has received a disposition of court supervision for
23 a violation of subsection (a), (d), or (e) of Section 6-20
24 of the Liquor Control Act of 1934 or a similar provision of
25 a local ordinance, in which case the suspension shall be
26 for a period of 3 months;

1 44. Is under the age of 21 years at the time of arrest
2 and has been convicted of an offense against traffic
3 regulations governing the movement of vehicles after
4 having previously had his or her driving privileges
5 suspended or revoked pursuant to subparagraph 36 of this
6 Section; ~~or~~

7 45. Has, in connection with or during the course of a
8 formal hearing conducted under Section 2-118 of this Code:
9 (i) committed perjury; (ii) submitted fraudulent or
10 falsified documents; (iii) submitted documents that have
11 been materially altered; or (iv) submitted, as his or her
12 own, documents that were in fact prepared or composed for
13 another person; or ~~or~~

14 46. Has committed a violation of Section 11-1426.1
15 involving an all-terrain vehicle or off-highway
16 motorcycle, paragraph (4) of subsection (i) of Section
17 11-1427 of this Code, or similar provisions of a local
18 ordinance, in which case the suspension shall be for a
19 period of 6 months.

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

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

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

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

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

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

20 Any person who falsely states any fact in the affidavit
21 required herein shall be guilty of perjury under Section
22 6-302 and upon conviction thereof shall have all driving
23 privileges revoked without further rights.

24 3. At the conclusion of a hearing under Section 2-118
25 of this Code, the Secretary of State shall either rescind
26 or continue an order of revocation or shall substitute an

1 order of suspension; or, good cause appearing therefor,
2 rescind, continue, change, or extend the order of
3 suspension. If the Secretary of State does not rescind the
4 order, the Secretary may upon application, to relieve undue
5 hardship (as defined by the rules of the Secretary of
6 State), issue a restricted driving permit granting the
7 privilege of driving a motor vehicle between the
8 petitioner's residence and petitioner's place of
9 employment or within the scope of the petitioner's
10 employment related duties, or to allow the petitioner to
11 transport himself or herself, or a family member of the
12 petitioner's household to a medical facility, to receive
13 necessary medical care, to allow the petitioner to
14 transport himself or herself to and from alcohol or drug
15 remedial or rehabilitative activity recommended by a
16 licensed service provider, or to allow the petitioner to
17 transport himself or herself or a family member of the
18 petitioner's household to classes, as a student, at an
19 accredited educational institution, or to allow the
20 petitioner to transport children, elderly persons, or
21 disabled persons who do not hold driving privileges and are
22 living in the petitioner's household to and from daycare.
23 The petitioner must demonstrate that no alternative means
24 of transportation is reasonably available and that the
25 petitioner will not endanger the public safety or welfare.
26 Those multiple offenders identified in subdivision (b)4 of

1 Section 6-208 of this Code, however, shall not be eligible
2 for the issuance of a restricted driving permit.

3 (A) If a person's license or permit is revoked or
4 suspended due to 2 or more convictions of violating
5 Section 11-501 of this Code or a similar provision of a
6 local ordinance or a similar out-of-state offense, or
7 Section 9-3 of the Criminal Code of 1961, where the use
8 of alcohol or other drugs is recited as an element of
9 the offense, or a similar out-of-state offense, or a
10 combination of these offenses, arising out of separate
11 occurrences, that person, if issued a restricted
12 driving permit, may not operate a vehicle unless it has
13 been equipped with an ignition interlock device as
14 defined in Section 1-129.1.

15 (B) If a person's license or permit is revoked or
16 suspended 2 or more times within a 10 year period due
17 to any combination of:

18 (i) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a
20 local ordinance or a similar out-of-state offense
21 or Section 9-3 of the Criminal Code of 1961, where
22 the use of alcohol or other drugs is recited as an
23 element of the offense, or a similar out-of-state
24 offense; or

25 (ii) a statutory summary suspension or
26 revocation under Section 11-501.1; or

1 (iii) a suspension under Section 6-203.1;
2 arising out of separate occurrences; that person, if
3 issued a restricted driving permit, may not operate a
4 vehicle unless it has been equipped with an ignition
5 interlock device as defined in Section 1-129.1.

6 (C) The person issued a permit conditioned upon the
7 use of an ignition interlock device must pay to the
8 Secretary of State DUI Administration Fund an amount
9 not to exceed \$30 per month. The Secretary shall
10 establish by rule the amount and the procedures, terms,
11 and conditions relating to these fees.

12 (D) If the restricted driving permit is issued for
13 employment purposes, then the prohibition against
14 operating a motor vehicle that is not equipped with an
15 ignition interlock device does not apply to the
16 operation of an occupational vehicle owned or leased by
17 that person's employer when used solely for employment
18 purposes.

19 (E) In each case the Secretary may issue a
20 restricted driving permit for a period deemed
21 appropriate, except that all permits shall expire
22 within one year from the date of issuance. The
23 Secretary may not, however, issue a restricted driving
24 permit to any person whose current revocation is the
25 result of a second or subsequent conviction for a
26 violation of Section 11-501 of this Code or a similar

1 provision of a local ordinance or any similar
2 out-of-state offense, or Section 9-3 of the Criminal
3 Code of 1961, where the use of alcohol or other drugs
4 is recited as an element of the offense, or any similar
5 out-of-state offense, or any combination of those
6 offenses, until the expiration of at least one year
7 from the date of the revocation. A restricted driving
8 permit issued under this Section shall be subject to
9 cancellation, revocation, and suspension by the
10 Secretary of State in like manner and for like cause as
11 a driver's license issued under this Code may be
12 cancelled, revoked, or suspended; except that a
13 conviction upon one or more offenses against laws or
14 ordinances regulating the movement of traffic shall be
15 deemed sufficient cause for the revocation,
16 suspension, or cancellation of a restricted driving
17 permit. The Secretary of State may, as a condition to
18 the issuance of a restricted driving permit, require
19 the applicant to participate in a designated driver
20 remedial or rehabilitative program. The Secretary of
21 State is authorized to cancel a restricted driving
22 permit if the permit holder does not successfully
23 complete the program.

24 (c-3) In the case of a suspension under paragraph 43 of
25 subsection (a), reports received by the Secretary of State
26 under this Section shall, except during the actual time the

1 suspension is in effect, be privileged information and for use
2 only by the courts, police officers, prosecuting authorities,
3 the driver licensing administrator of any other state, the
4 Secretary of State, or the parent or legal guardian of a driver
5 under the age of 18. However, beginning January 1, 2008, if the
6 person is a CDL holder, the suspension shall also be made
7 available to the driver licensing administrator of any other
8 state, the U.S. Department of Transportation, and the affected
9 driver or motor carrier or prospective motor carrier upon
10 request.

11 (c-4) In the case of a suspension under paragraph 43 of
12 subsection (a), the Secretary of State shall notify the person
13 by mail that his or her driving privileges and driver's license
14 will be suspended one month after the date of the mailing of
15 the notice.

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

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

25 (e) The Secretary of State shall not issue a restricted
26 driving permit to a person under the age of 16 years whose

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

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

8 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
9 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
10 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
11 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
12 96-1305, eff. 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

13 (625 ILCS 5/11-1426.1)

14 Sec. 11-1426.1. Operation of non-highway vehicles on
15 streets, roads, and highways.

16 (a) As used in this Section, "non-highway vehicle" means a
17 motor vehicle not specifically designed to be used on a public
18 highway, including:

19 (1) an all-terrain vehicle, as defined by Section
20 1-101.8 of this Code;

21 (2) a golf cart, as defined by Section 1-123.9;

22 (3) a neighborhood vehicle, as defined by Section
23 1-148.3m;

24 (4) an off-highway motorcycle, as defined by Section
25 1-153.1; and

1 (5) a recreational off-highway vehicle, as defined by
2 Section 1-168.8.

3 (b) Except as otherwise provided in this Section, it is
4 unlawful for any person to drive or operate a non-highway
5 vehicle upon any street, highway, or roadway in this State. If
6 the operation of a non-highway vehicle is authorized under
7 subsection (d), the non-highway vehicle may be operated only on
8 streets where the posted speed limit is 35 miles per hour or
9 less. This subsection (b) does not prohibit a non-highway
10 vehicle from crossing a road or street at an intersection where
11 the road or street has a posted speed limit of more than 35
12 miles per hour.

13 (b-5) A person may not operate a golf cart or neighborhood
14 vehicle ~~non-highway vehicle~~ upon any street, highway, or
15 roadway in this State unless he or she has a valid driver's
16 license issued in his or her name by the Secretary of State or
17 by a foreign jurisdiction.

18 (c) Except as otherwise provided in subsection (c-5), no
19 person operating a non-highway vehicle shall make a direct
20 crossing upon or across any highway under the jurisdiction of
21 the State, tollroad, interstate highway, or controlled access
22 highway in this State.

23 (c-5) A person may make a direct crossing at an
24 intersection controlled by a traffic light or 4-way stop sign
25 upon or across a highway under the jurisdiction of the State if
26 the speed limit on the highway is 35 miles per hour or less at

1 the place of crossing.

2 (d) A municipality, township, county, or other unit of
3 local government may authorize, by ordinance or resolution, the
4 operation of golf carts, neighborhood vehicles, or both
5 ~~non-highway vehicles~~ on roadways under its jurisdiction if the
6 unit of local government determines that the public safety will
7 not be jeopardized. The Department may authorize the operation
8 of golf carts, neighborhood vehicles, or both ~~non-highway~~
9 ~~vehicles~~ on the roadways under its jurisdiction if the
10 Department determines that the public safety will not be
11 jeopardized. The unit of local government or the Department may
12 restrict the types of non-highway vehicles that are authorized
13 to be used on its streets.

14 Before permitting the operation of golf carts,
15 neighborhood vehicles, or both ~~non-highway vehicles~~ on its
16 roadways, a municipality, township, county, other unit of local
17 government, or the Department must consider the volume, speed,
18 and character of traffic on the roadway and determine whether
19 golf carts, neighborhood vehicles, or both ~~non-highway~~
20 ~~vehicles~~ may safely travel on or cross the roadway. Upon
21 determining that golf carts, neighborhood vehicles, or both
22 ~~non-highway vehicles~~ may safely operate on a roadway and the
23 adoption of an ordinance or resolution by a municipality,
24 township, county, or other unit of local government, or
25 authorization by the Department, appropriate signs shall be
26 posted.

1 If a roadway is under the jurisdiction of more than one
2 unit of government, non-highway vehicles may not be operated on
3 the roadway unless each unit of government agrees and takes
4 action as provided in this subsection.

5 (e) No golf cart or neighborhood vehicle ~~non-highway~~
6 ~~vehicle~~ may be operated on a roadway unless, at a minimum, it
7 has the following: brakes, a steering apparatus, tires, a
8 rearview mirror, red reflectorized warning devices in the front
9 and rear, a slow moving emblem (as required of other vehicles
10 in Section 12-709 of this Code) on the rear of the non-highway
11 vehicle, a headlight that emits a white light visible from a
12 distance of 500 feet to the front, a tail lamp that emits a red
13 light visible from at least 100 feet from the rear, brake
14 lights, and turn signals. When operated on a roadway, a golf
15 cart or neighborhood vehicle ~~non-highway vehicle~~ shall have its
16 headlight and tail lamps lighted as required by Section 12-201
17 of this Code.

18 (f) A person who drives or is in actual physical control of
19 a non-highway vehicle on a roadway while under the influence is
20 subject to Sections 11-500 through 11-502 of this Code.

21 (g) Any person who operates a non-highway vehicle on a
22 street, highway, or roadway shall be subject to the mandatory
23 insurance requirements under Article VI of Chapter 7 of this
24 Code.

25 (h) It shall not be unlawful for any person to drive or
26 operate a non-highway vehicle, as defined in paragraphs (1) and

1 (5) of subsection (a) of this Section, on a county roadway or
2 township roadway for the purpose of conducting farming
3 operations to and from the home, farm, farm buildings, and any
4 adjacent or nearby farm land.

5 Non-highway vehicles, as used in this subsection (h), shall
6 not be subject to subsections (e) and (g) of this Section.
7 However, if the non-highway vehicle, as used in this Section,
8 is not covered under a motor vehicle insurance policy pursuant
9 to subsection (g) of this Section, the vehicle must be covered
10 under a farm, home, or non-highway vehicle insurance policy
11 issued with coverage amounts no less than the minimum amounts
12 set for bodily injury or death and for destruction of property
13 under Section 7-203 of this Code. Non-highway vehicles operated
14 on a county or township roadway at any time between one-half
15 hour before sunset and one-half hour after sunrise must be
16 equipped with head lamps and tail lamps, and the head lamps and
17 tail lamps must be lighted.

18 Non-highway vehicles, as used in this subsection (h), shall
19 not make a direct crossing upon or across any tollroad,
20 interstate highway, or controlled access highway in this State.

21 Non-highway vehicles, as used in this subsection (h), shall
22 be allowed to cross a State highway, municipal street, county
23 highway, or road district highway if the operator of the
24 non-highway vehicle makes a direct crossing provided:

25 (1) the crossing is made at an angle of approximately
26 90 degrees to the direction of the street, road or highway

1 and at a place where no obstruction prevents a quick and
2 safe crossing;

3 (2) the non-highway vehicle is brought to a complete
4 stop before attempting a crossing;

5 (3) the operator of the non-highway vehicle yields the
6 right of way to all pedestrian and vehicular traffic which
7 constitutes a hazard; and

8 (4) that when crossing a divided highway, the crossing
9 is made only at an intersection of the highway with another
10 public street, road, or highway.

11 (i) No action taken by a unit of local government under
12 this Section designates the operation of a non-highway vehicle
13 as an intended or permitted use of property with respect to
14 Section 3-102 of the Local Governmental and Governmental
15 Employees Tort Immunity Act.

16 (Source: P.A. 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575,
17 eff. 8-31-07; 95-876, eff. 8-21-08; 96-279, eff. 1-1-10;
18 96-1434, eff. 8-11-10.)

19 (625 ILCS 5/11-1427)

20 Sec. 11-1427. Illegal operation of an all-terrain vehicle
21 or off-highway motorcycle. It is unlawful for any person to
22 drive or operate any all-terrain vehicle or off-highway
23 motorcycle in the following ways:

24 (a) Careless Operation. No person shall operate any
25 all-terrain vehicle or off-highway motorcycle in a careless or

1 heedless manner so as to be grossly indifferent to the person
2 or property of other persons, or at a rate of speed greater
3 than will permit him in the exercise of reasonable care to
4 bring the all-terrain vehicle or off-highway motorcycle to a
5 stop within the assured clear distance ahead.

6 (b) Reckless Operation. No person shall operate any
7 all-terrain vehicle or off-highway motorcycle in such a manner
8 as to endanger the life, limb or property of any person.

9 (c) Within any nature preserve as defined in Section 3.11
10 of the Illinois Natural Areas Preservation Act.

11 (d) On the tracks or right of way of an operating railroad.

12 (e) In any tree nursery or planting in a manner which
13 damages or destroys growing stock, or creates a substantial
14 risk thereto.

15 (f) On private property, without the written or verbal
16 consent of the owner or lessee thereof. Any person operating an
17 all-terrain vehicle or off-highway motorcycle upon lands of
18 another shall stop and identify himself upon the request of the
19 landowner or his duly authorized representative, and, if
20 requested to do so by the landowner shall promptly remove the
21 all-terrain vehicle or off-highway motorcycle from the
22 premises.

23 (g) Notwithstanding any other law to the contrary, an
24 owner, lessee, or occupant of premises owes no duty of care to
25 keep the premises safe for entry or use by others for use by an
26 all-terrain vehicle or off-highway motorcycle, or to give

1 warning of any condition, use, structure or activity on such
2 premises. This subsection does not apply where permission to
3 drive or operate an all-terrain vehicle or off-highway
4 motorcycle is given for a valuable consideration other than to
5 this State, any political subdivision or municipality of this
6 State, or any landowner who is paid with funds from the
7 Off-Highway Vehicle Trails Fund. In the case of land leased to
8 the State or a subdivision of the State, any consideration
9 received is not valuable consideration within the meaning of
10 this Section.

11 Nothing in this subsection limits in any way liability
12 which otherwise exists for willful or malicious failure to
13 guard or warn against a dangerous condition, use, structure, or
14 activity.

15 (h) On publicly owned lands unless such lands are
16 designated for use by all-terrain vehicles or off-highway
17 motorcycles. For publicly owned lands to be designated for use
18 by all-terrain vehicles or off-highway motorcycles a public
19 hearing shall be conducted by the governmental entity that has
20 jurisdiction over the proposed land prior to the designation.

21 Nothing in this subsection limits in any way liability
22 which otherwise exists for willful or malicious failure to
23 guard or warn against a dangerous condition, use, structure, or
24 activity.

25 (h-1) At a rate of speed too fast for conditions, and the
26 fact that the speed of the all-terrain vehicle or off-highway

1 motorcycle does not exceed the applicable maximum speed limit
2 allowed does not relieve the driver from the duty to decrease
3 speed as may be necessary to avoid colliding with any person,
4 vehicle, or object within legal requirements and the duty of
5 all persons to use due care.

6 (h-2) On the frozen surface of public waters of this State
7 within 100 feet of a person, including a skater, not in or upon
8 an all-terrain vehicle or off-highway motorcycle; within 100
9 feet of a person engaged in fishing, except at the minimum
10 speed required to maintain forward movement of the all-terrain
11 vehicle or off-highway motorcycle; on an area which has been
12 cleared of snow for skating purposes unless the area is
13 necessary for access to the frozen waters of this State.

14 (h-3) Within 100 feet of a dwelling between midnight and 6
15 a.m. at a speed greater than the minimum required to maintain
16 forward movement of the all-terrain vehicle or off-highway
17 motorcycle. This subdivision (h-5) does not apply on private
18 property where verbal or written consent of the owner or lessee
19 has been granted to drive or operate an all-terrain vehicle or
20 off-highway motorcycle upon the private property or frozen
21 waters of this State.

22 (i) Other Prohibitions.

23 (1) No person, except persons permitted by law, shall
24 operate or ride any all-terrain vehicle or off-highway
25 motorcycle with any firearm in his or her possession unless
26 he or she is in compliance with Section 2.33 of the

1 Wildlife Code.

2 (2) No person shall operate any all-terrain vehicle or
3 off-highway motorcycle emitting pollutants in violation of
4 standards established pursuant to the Environmental
5 Protection Act.

6 (3) No person shall deposit from an all-terrain vehicle
7 or off-highway motorcycle on the snow, ice or ground
8 surface, trash, glass, garbage, insoluble material, or
9 other offensive matter.

10 (4) No person shall ride an all-terrain vehicle or
11 off-highway motorcycle as a passenger. The Secretary of
12 State may suspend the operator's driver's license for
13 violation of this paragraph.

14 (5) No person under the age of 16 shall operate an
15 all-terrain vehicle or off-highway motorcycle.

16 (6) No person shall operate an all-terrain vehicle or
17 off-highway motorcycle without a valid driver's license.

18 (7) No person shall operate an all-terrain vehicle or
19 off-highway motorcycle without a properly fitted helmet
20 secured to the person's head.

21 (Source: P.A. 90-14, eff. 9-1-97; 90-287, eff. 1-1-98.)

22 (625 ILCS 5/11-1427.6 new)

23 Sec. 11-1427.6. Public information on all-terrain vehicle
24 and off-highway motorcycle laws.

25 (a) The laws and rules related to the operation of

1 all-terrain vehicles and off-highway motorcycles in this Code
2 shall be included in any publication of the "Rules of the Road"
3 that the Secretary of State may publish after the effective
4 date of this amendatory Act of the 97th General Assembly.

5 (b) The laws and rules related to the operation of
6 all-terrain vehicles and off-highway motorcycles in this Code
7 shall be included in any publication of the "Laws for Youth"
8 that the Legislative Research Unit may publish after the
9 effective date of this amendatory Act of the 97th General
10 Assembly.

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3 105 ILCS 5/27-23.11 new

4 105 ILCS 5/27-24.2 from Ch. 122, par. 27-24.2

5 625 ILCS 5/6-109

6 625 ILCS 5/6-206

7 625 ILCS 5/11-1426.1

8 625 ILCS 5/11-1427

9 625 ILCS 5/11-1427.6 new