



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

#### HB4075

by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

|                      |                                 |
|----------------------|---------------------------------|
| 625 ILCS 5/6-205     |                                 |
| 625 ILCS 5/6-206     |                                 |
| 625 ILCS 5/11-1301.3 | from Ch. 95 1/2, par. 11-1301.3 |
| 625 ILCS 5/18a-300   | from Ch. 95 1/2, par. 18a-300   |

Amends the Illinois Vehicle Code. Increases the fine from \$250 to \$300 for unauthorized use of a parking place reserved for persons with disabilities. Increases the fine from \$500 to \$600 for improperly using a disability license plate, decal, or device to park in a parking place reserved for a person with disabilities and provides that any person who improperly uses a disability license plate, decal, or device to park in a parking place reserved for a person with disabilities shall have his or her driving privileges revoked by the Secretary of State. Provides that except for the purpose of relocating the vehicle in an emergency, a commercial vehicle relocater may not remove a vehicle for nonpayment of outstanding debts without first waiting for a period of one hour, if the vehicle is parked in a parking place reserved for persons with disabilities and is displaying disability registration plates or a parking decal or device.

LRB097 16897 HEP 62085 b

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 6-205, 6-206, 11-1301.3, and 18a-300 as follows:

6 (625 ILCS 5/6-205)

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

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

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

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

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

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

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

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

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

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

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

16           10. Violation of Section 12-5 of the Criminal Code of  
17 1961 arising from the use of a motor vehicle;

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

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

25           13. Violation of paragraph (a) of Section 11-502 of  
26 this Code or a similar provision of a local ordinance if

1 the driver has been previously convicted of a violation of  
2 that Section or a similar provision of a local ordinance  
3 and the driver was less than 21 years of age at the time of  
4 the offense;

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

8 15. A second or subsequent conviction of driving while  
9 the person's driver's license, permit or privileges was  
10 revoked for reckless homicide or a similar out-of-state  
11 offense;

12 16. Any offense against any provision in this Code, or  
13 any local ordinance, regulating the movement of traffic  
14 when that offense was the proximate cause of the death of  
15 any person. Any person whose driving privileges have been  
16 revoked pursuant to this paragraph may seek to have the  
17 revocation terminated or to have the length of revocation  
18 reduced by requesting an administrative hearing with the  
19 Secretary of State prior to the projected driver's license  
20 application eligibility date; ▯

21 17. Violation of subsection (a-1) of Section 11-1301.3  
22 of this Code relating to unauthorized use of parking places  
23 reserved for persons with disabilities.

24 (b) The Secretary of State shall also immediately revoke  
25 the license or permit of any driver in the following  
26 situations:

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

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

9           3. Of any person adjudicated under the Juvenile Court  
10          Act of 1987 based on an offense determined to have been  
11          committed in furtherance of the criminal activities of an  
12          organized gang as provided in Section 5-710 of that Act,  
13          and that involved the operation or use of a motor vehicle  
14          or the use of a driver's license or permit. The revocation  
15          shall remain in effect for the period determined by the  
16          court. Upon the direction of the court, the Secretary shall  
17          issue the person a judicial driving permit, also known as a  
18          JDP. The JDP shall be subject to the same terms as a JDP  
19          issued under Section 6-206.1, except that the court may  
20          direct that a JDP issued under this subdivision (b)(3) be  
21          effective immediately.

22          (c)(1) Whenever a person is convicted of any of the  
23          offenses enumerated in this Section, the court may recommend  
24          and the Secretary of State in his discretion, without regard to  
25          whether the recommendation is made by the court may, upon  
26          application, issue to the person a restricted driving permit

1 granting the privilege of driving a motor vehicle between the  
2 petitioner's residence and petitioner's place of employment or  
3 within the scope of the petitioner's employment related duties,  
4 or to allow the petitioner to transport himself or herself or a  
5 family member of the petitioner's household to a medical  
6 facility for the receipt of necessary medical care or to allow  
7 the petitioner to transport himself or herself to and from  
8 alcohol or drug remedial or rehabilitative activity  
9 recommended by a licensed service provider, or to allow the  
10 petitioner to transport himself or herself or a family member  
11 of the petitioner's household to classes, as a student, at an  
12 accredited educational institution, or to allow the petitioner  
13 to transport children, elderly persons, or disabled persons who  
14 do not hold driving privileges and are living in the  
15 petitioner's household to and from daycare; if the petitioner  
16 is able to demonstrate that no alternative means of  
17 transportation is reasonably available and that the petitioner  
18 will not endanger the public safety or welfare; provided that  
19 the Secretary's discretion shall be limited to cases where  
20 undue hardship, as defined by the rules of the Secretary of  
21 State, would result from a failure to issue the restricted  
22 driving permit. Those multiple offenders identified in  
23 subdivision (b)4 of Section 6-208 of this Code, however, shall  
24 not be eligible for the issuance of a restricted driving  
25 permit.

26 (2) If a person's license or permit is revoked or

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

11 (3) If:

12 (A) a person's license or permit is revoked or  
13 suspended 2 or more times within a 10 year period due  
14 to any combination of:

15 (i) a single conviction of violating Section  
16 11-501 of this Code or a similar provision of a  
17 local ordinance or a similar out-of-state offense,  
18 or Section 9-3 of the Criminal Code of 1961, where  
19 the use of alcohol or other drugs is recited as an  
20 element of the offense, or a similar out-of-state  
21 offense; or

22 (ii) a statutory summary suspension or  
23 revocation under Section 11-501.1; or

24 (iii) a suspension pursuant to Section  
25 6-203.1;

26 arising out of separate occurrences; or

1           (B) a person has been convicted of one violation of  
2           Section 6-303 of this Code committed while his or her  
3           driver's license, permit, or privilege was revoked  
4           because of a violation of Section 9-3 of the Criminal  
5           Code of 1961, relating to the offense of reckless  
6           homicide where the use of alcohol or other drugs was  
7           recited as an element of the offense, or a similar  
8           provision of a law of another state;

9           that person, if issued a restricted driving permit, may not  
10          operate a vehicle unless it has been equipped with an  
11          ignition interlock device as defined in Section 1-129.1.

12          (4) The person issued a permit conditioned on the use  
13          of an ignition interlock device must pay to the Secretary  
14          of State DUI Administration Fund an amount not to exceed  
15          \$30 per month. The Secretary shall establish by rule the  
16          amount and the procedures, terms, and conditions relating  
17          to these fees.

18          (5) If the restricted driving permit is issued for  
19          employment purposes, then the prohibition against  
20          operating a motor vehicle that is not equipped with an  
21          ignition interlock device does not apply to the operation  
22          of an occupational vehicle owned or leased by that person's  
23          employer when used solely for employment purposes.

24          (6) In each case the Secretary of State may issue a  
25          restricted driving permit for a period he deems  
26          appropriate, except that the permit shall expire within one



1 year from the date of issuance. The Secretary may not,  
2 however, issue a restricted driving permit to any person  
3 whose current revocation is the result of a second or  
4 subsequent conviction for a violation of Section 11-501 of  
5 this Code or a similar provision of a local ordinance or  
6 any similar out-of-state offense, or Section 9-3 of the  
7 Criminal Code of 1961, where the use of alcohol or other  
8 drugs is recited as an element of the offense, or any  
9 similar out-of-state offense, or any combination of these  
10 offenses, until the expiration of at least one year from  
11 the date of the revocation. A restricted driving permit  
12 issued under this Section shall be subject to cancellation,  
13 revocation, and suspension by the Secretary of State in  
14 like manner and for like cause as a driver's license issued  
15 under this Code may be cancelled, revoked, or suspended;  
16 except that a conviction upon one or more offenses against  
17 laws or ordinances regulating the movement of traffic shall  
18 be deemed sufficient cause for the revocation, suspension,  
19 or cancellation of a restricted driving permit. The  
20 Secretary of State may, as a condition to the issuance of a  
21 restricted driving permit, require the petitioner to  
22 participate in a designated driver remedial or  
23 rehabilitative program. The Secretary of State is  
24 authorized to cancel a restricted driving permit if the  
25 permit holder does not successfully complete the program.  
26 However, if an individual's driving privileges have been

1           revoked in accordance with paragraph 13 of subsection (a)  
2           of this Section, no restricted driving permit shall be  
3           issued until the individual has served 6 months of the  
4           revocation period.

5           (c-5) (Blank).

6           (c-6) If a person is convicted of a second violation of  
7           operating a motor vehicle while the person's driver's license,  
8           permit or privilege was revoked, where the revocation was for a  
9           violation of Section 9-3 of the Criminal Code of 1961 relating  
10          to the offense of reckless homicide or a similar out-of-state  
11          offense, the person's driving privileges shall be revoked  
12          pursuant to subdivision (a)(15) of this Section. The person may  
13          not make application for a license or permit until the  
14          expiration of five years from the effective date of the  
15          revocation or the expiration of five years from the date of  
16          release from a term of imprisonment, whichever is later.

17          (c-7) If a person is convicted of a third or subsequent  
18          violation of operating a motor vehicle while the person's  
19          driver's license, permit or privilege was revoked, where the  
20          revocation was for a violation of Section 9-3 of the Criminal  
21          Code of 1961 relating to the offense of reckless homicide or a  
22          similar out-of-state offense, the person may never apply for a  
23          license or permit.

24          (d) (1) Whenever a person under the age of 21 is convicted  
25          under Section 11-501 of this Code or a similar provision of a  
26          local ordinance or a similar out-of-state offense, the

1 Secretary of State shall revoke the driving privileges of that  
2 person. One year after the date of revocation, and upon  
3 application, the Secretary of State may, if satisfied that the  
4 person applying will not endanger the public safety or welfare,  
5 issue a restricted driving permit granting the privilege of  
6 driving a motor vehicle only between the hours of 5 a.m. and 9  
7 p.m. or as otherwise provided by this Section for a period of  
8 one year. After this one year period, and upon reapplication  
9 for a license as provided in Section 6-106, upon payment of the  
10 appropriate reinstatement fee provided under paragraph (b) of  
11 Section 6-118, the Secretary of State, in his discretion, may  
12 reinstate the petitioner's driver's license and driving  
13 privileges, or extend the restricted driving permit as many  
14 times as the Secretary of State deems appropriate, by  
15 additional periods of not more than 12 months each.

16 (2) If a person's license or permit is revoked or  
17 suspended due to 2 or more convictions of violating Section  
18 11-501 of this Code or a similar provision of a local  
19 ordinance or a similar out-of-state offense, or Section 9-3  
20 of the Criminal Code of 1961, where the use of alcohol or  
21 other drugs is recited as an element of the offense, or a  
22 similar out-of-state offense, or a combination of these  
23 offenses, arising out of separate occurrences, that  
24 person, if issued a restricted driving permit, may not  
25 operate a vehicle unless it has been equipped with an  
26 ignition interlock device as defined in Section 1-129.1.

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

4                   (A) a single conviction of violating Section  
5                   11-501 of this Code or a similar provision of a local  
6                   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

10                   (B) a statutory summary suspension or revocation  
11                   under Section 11-501.1; or

12                   (C) a suspension pursuant to Section 6-203.1;  
13           arising out of separate occurrences, that person, if issued  
14           a restricted driving permit, may not operate a vehicle  
15           unless it has been equipped with an ignition interlock  
16           device as defined in Section 1-129.1.

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

23           (5) If the restricted driving permit is issued for  
24           employment purposes, then the prohibition against driving  
25           a vehicle that is not equipped with an ignition interlock  
26           device does not apply to the operation of an occupational

1 vehicle owned or leased by that person's employer when used  
2 solely for employment purposes.

3 (6) A restricted driving permit issued under this  
4 Section shall be subject to cancellation, revocation, and  
5 suspension by the Secretary of State in like manner and for  
6 like cause as a driver's license issued under this Code may  
7 be cancelled, revoked, or suspended; except that a  
8 conviction upon one or more offenses against laws or  
9 ordinances regulating the movement of traffic shall be  
10 deemed sufficient cause for the revocation, suspension, or  
11 cancellation of a restricted driving permit.

12 (d-5) The revocation of the license, permit, or driving  
13 privileges of a person convicted of a third or subsequent  
14 violation of Section 6-303 of this Code committed while his or  
15 her driver's license, permit, or privilege was revoked because  
16 of a violation of Section 9-3 of the Criminal Code of 1961,  
17 relating to the offense of reckless homicide, or a similar  
18 provision of a law of another state, is permanent. The  
19 Secretary may not, at any time, issue a license or permit to  
20 that person.

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

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

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

5           (h) The Secretary of State shall require the use of  
6 ignition interlock devices on all vehicles owned by a person  
7 who has been convicted of a second or subsequent offense under  
8 Section 11-501 of this Code or a similar provision of a local  
9 ordinance. The person must pay to the Secretary of State DUI  
10 Administration Fund an amount not to exceed \$30 for each month  
11 that he or she uses the device. The Secretary shall establish  
12 by rule and regulation the procedures for certification and use  
13 of the interlock system, the amount of the fee, and the  
14 procedures, terms, and conditions relating to these fees.

15           (i) (Blank).

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

21           (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
22 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
23 7-1-11; 97-333, eff. 8-12-11.)

24           (625 ILCS 5/6-206)

25           Sec. 6-206. Discretionary authority to suspend or revoke

1 license or permit; Right to a hearing.

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

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

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

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

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

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

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

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

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

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

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

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

25 11. Has operated a motor vehicle upon a highway of this  
26 State when the person's driving privilege or privilege to



1 obtain a driver's license or permit was revoked or  
2 suspended unless the operation was authorized by a  
3 monitoring device driving permit, judicial driving permit  
4 issued prior to January 1, 2009, probationary license to  
5 drive, or a restricted driving permit issued under this  
6 Code;

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

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

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

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

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

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

1 11-501.1;

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

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

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

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

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

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

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

1 similar to an offense specified under Section 6-205 or  
2 6-206 of this Code;

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

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

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

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

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

9 29. Has been convicted of the following offenses that  
10 were committed while the person was operating or in actual  
11 physical control, as a driver, of a motor vehicle: criminal  
12 sexual assault, predatory criminal sexual assault of a  
13 child, aggravated criminal sexual assault, criminal sexual  
14 abuse, aggravated criminal sexual abuse, juvenile pimping,  
15 soliciting for a juvenile prostitute, promoting juvenile  
16 prostitution as described in subdivision (a)(1), (a)(2),  
17 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,  
18 and the manufacture, sale or delivery of controlled  
19 substances or instruments used for illegal drug use or  
20 abuse in which case the driver's driving privileges shall  
21 be suspended for one year;

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

26 31. Has refused to submit to a test as required by

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

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

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

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

22 35. Has committed a violation of Section 11-1301.6 of  
23 this Code;

24 36. Is under the age of 21 years at the time of arrest  
25 and has been convicted of not less than 2 offenses against  
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or  
2 suspension shall be entered more than 6 months after the  
3 date of last conviction;

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

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

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

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

14 41. Has committed a second or subsequent violation of  
15 Section 11-605.1 of this Code, a similar provision of a  
16 local ordinance, or a similar violation in any other state  
17 within 2 years of the date of the previous violation, in  
18 which case the suspension shall be for 90 days;

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

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

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

1 and has been convicted of an offense against traffic  
2 regulations governing the movement of vehicles after  
3 having previously had his or her driving privileges  
4 suspended or revoked pursuant to subparagraph 36 of this  
5 Section; or

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

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

20 (b) If any conviction forming the basis of a suspension or  
21 revocation authorized under this Section is appealed, the  
22 Secretary of State may rescind or withhold the entry of the  
23 order of suspension or revocation, as the case may be, provided  
24 that a certified copy of a stay order of a court is filed with  
25 the Secretary of State. If the conviction is affirmed on  
26 appeal, the date of the conviction shall relate back to the

1 time the original judgment of conviction was entered and the 6  
2 month limitation prescribed shall not apply.

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

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



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

10 The provisions of this subparagraph shall not apply to  
11 any driver required to possess a CDL for the purpose of  
12 operating a commercial motor vehicle.

13 Any person who falsely states any fact in the affidavit  
14 required herein shall be guilty of perjury under Section  
15 6-302 and upon conviction thereof shall have all driving  
16 privileges revoked without further rights.

17 3. At the conclusion of a hearing under Section 2-118  
18 of this Code, the Secretary of State shall either rescind  
19 or continue an order of revocation or shall substitute an  
20 order of suspension; or, good cause appearing therefor,  
21 rescind, continue, change, or extend the order of  
22 suspension. If the Secretary of State does not rescind the  
23 order, the Secretary may upon application, to relieve undue  
24 hardship (as defined by the rules of the Secretary of  
25 State), issue a restricted driving permit granting the  
26 privilege of driving a motor vehicle between the

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

22 (A) If a person's license or permit is revoked or  
23 suspended due to 2 or more convictions of violating  
24 Section 11-501 of this Code or a similar provision of a  
25 local ordinance or a similar out-of-state offense, or  
26 Section 9-3 of the Criminal Code of 1961, where the use

1 of alcohol or other drugs is recited as an element of  
2 the offense, or a similar out-of-state offense, or a  
3 combination of these offenses, arising out of separate  
4 occurrences, that person, if issued a restricted  
5 driving permit, may not operate a vehicle unless it has  
6 been equipped with an ignition interlock device as  
7 defined in Section 1-129.1.

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

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

18 (ii) a statutory summary suspension or  
19 revocation under Section 11-501.1; or

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

25 (C) The person issued a permit conditioned upon the  
26 use of an ignition interlock device must pay to the

1 Secretary of State DUI Administration Fund an amount  
2 not to exceed \$30 per month. The Secretary shall  
3 establish by rule the amount and the procedures, terms,  
4 and conditions relating to these fees.

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

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

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

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

1 state, the U.S. Department of Transportation, and the affected  
2 driver or motor carrier or prospective motor carrier upon  
3 request.

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

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

16 (d) This Section is subject to the provisions of the  
17 Drivers License Compact.

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

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

1 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
2 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
3 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,  
4 eff. 8-12-11; revised 9-15-11.)

5 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

6 Sec. 11-1301.3. Unauthorized use of parking places  
7 reserved for persons with disabilities.

8 (a) It shall be prohibited to park any motor vehicle which  
9 is not properly displaying registration plates or decals issued  
10 to a person with disabilities, as defined by Section 1-159.1,  
11 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a  
12 disabled veteran pursuant to Section 3-609 of this Act, as  
13 evidence that the vehicle is operated by or for a person with  
14 disabilities or disabled veteran, in any parking place,  
15 including any private or public offstreet parking facility,  
16 specifically reserved, by the posting of an official sign as  
17 designated under Section 11-301, for motor vehicles displaying  
18 such registration plates. It shall be prohibited to park any  
19 motor vehicle in a designated access aisle adjacent to any  
20 parking place specifically reserved for persons with  
21 disabilities, by the posting of an official sign as designated  
22 under Section 11-301, for motor vehicles displaying such  
23 registration plates. When using the parking privileges for  
24 persons with disabilities, the parking decal or device must be  
25 displayed properly in the vehicle where it is clearly visible

1 to law enforcement personnel, either hanging from the rearview  
2 mirror or placed on the dashboard of the vehicle in clear view.  
3 Disability license plates and parking decals and devices are  
4 not transferable from person to person. Proper usage of the  
5 disability license plate or parking decal or device requires  
6 the authorized holder to be present and enter or exit the  
7 vehicle at the time the parking privileges are being used. It  
8 is a violation of this Section to park in a space reserved for  
9 a person with disabilities if the authorized holder of the  
10 disability license plate or parking decal or device does not  
11 enter or exit the vehicle at the time the parking privileges  
12 are being used. Any motor vehicle properly displaying a  
13 disability license plate or a parking decal or device  
14 containing the International symbol of access issued to persons  
15 with disabilities by any local authority, state, district,  
16 territory or foreign country shall be recognized by State and  
17 local authorities as a valid license plate or device and  
18 receive the same parking privileges as residents of this State.

19 (a-1) An individual with a vehicle displaying disability  
20 license plates or a parking decal or device issued to a  
21 qualified person with a disability under Sections 3-616,  
22 11-1301.1, or 11-1301.2 or to a disabled veteran under Section  
23 3-609 is in violation of this Section if (i) the person using  
24 the disability license plate or parking decal or device is not  
25 the authorized holder of the disability license plate or  
26 parking decal or device or is not transporting the authorized



1 holder of the disability license plate or parking decal or  
2 device to or from the parking location and (ii) the person uses  
3 the disability license plate or parking decal or device to  
4 exercise any privileges granted through the disability license  
5 plate or parking decals or devices under this Code.

6 (b) Any person or local authority owning or operating any  
7 public or private offstreet parking facility may, after  
8 notifying the police or sheriff's department, remove or cause  
9 to be removed to the nearest garage or other place of safety  
10 any vehicle parked within a stall or space reserved for use by  
11 a person with disabilities which does not display person with  
12 disabilities registration plates or a special decal or device  
13 as required under this Section.

14 (c) Any person found guilty of violating the provisions of  
15 subsection (a) shall be fined \$300 ~~\$250~~ in addition to any  
16 costs or charges connected with the removal or storage of any  
17 motor vehicle authorized under this Section; but  
18 municipalities by ordinance may impose a fine up to \$350 and  
19 shall display signs indicating the fine imposed. If the amount  
20 of the fine is subsequently changed, the municipality shall  
21 change the sign to indicate the current amount of the fine. It  
22 shall not be a defense to a charge under this Section that  
23 either the sign posted pursuant to this Section or the intended  
24 accessible parking place does not comply with the technical  
25 requirements of Section 11-301, Department regulations, or  
26 local ordinance if a reasonable person would be made aware by

1 the sign or notice on or near the parking place that the place  
2 is reserved for a person with disabilities.

3 (c-1) Any person found guilty of violating the provisions  
4 of subsection (a-1) a first time shall be fined \$600 ~~\$500~~. Any  
5 person found guilty of violating subsection (a-1) a second time  
6 shall be fined \$750. Any person found guilty of violating  
7 subsection (a-1) a third or subsequent time shall be fined  
8 \$1,000. The circuit clerk shall distribute 50% of the fine  
9 imposed on any person who is found guilty of or pleads guilty  
10 to violating this Section, including any person placed on court  
11 supervision for violating this Section, to the law enforcement  
12 agency that issued the citation or made the arrest. If more  
13 than one law enforcement agency is responsible for issuing the  
14 citation or making the arrest, the 50% of the fine imposed  
15 shall be shared equally. If an officer of the Secretary of  
16 State Department of Police arrested a person for a violation of  
17 this Section, 50% of the fine imposed shall be deposited into  
18 the Secretary of State Police Services Fund.

19 (d) Local authorities shall impose fines as established in  
20 subsections (c) and (c-1) for violations of this Section.

21 (e) As used in this Section, "authorized holder" means an  
22 individual issued a disability license plate under Section  
23 3-616 of this Code, an individual issued a parking decal or  
24 device under Section 11-1301.2 of this Code, or an individual  
25 issued a disabled veteran's license plate under Section 3-609  
26 of this Code.

1           (f) Any person who commits a violation of subsection (a-1)  
2 shall ~~may~~ have his or her driving privileges ~~suspended or~~  
3 revoked by the Secretary of State for a period of time  
4 determined by the Secretary of State. The Secretary of State  
5 may also suspend or revoke the disability license plates or  
6 parking decal or device for a period of time determined by the  
7 Secretary of State.

8           (g) Any police officer may seize the parking decal or  
9 device from any person who commits a violation of this Section.  
10 Any police officer may seize the disability license plate upon  
11 authorization from the Secretary of State. Any police officer  
12 may request that the Secretary of State revoke the parking  
13 decal or device or the disability license plate of any person  
14 who commits a violation of this Section.

15           (Source: P.A. 95-167, eff. 1-1-08; 95-430, eff. 6-1-08; 95-876,  
16 eff. 8-21-08; 96-72, eff. 1-1-10; 96-79, eff. 1-1-10; 96-962,  
17 eff. 7-2-10; 96-1000, eff. 7-2-10.)

18           (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

19           Sec. 18a-300. Commercial vehicle relocators - Unlawful  
20 practices. It shall be unlawful for any commercial vehicle  
21 relocater:

22           (1) To operate in any county in which this Chapter is  
23 applicable without a valid, current relocater's license as  
24 provided in Article IV of this Chapter;

25           (2) To employ as an operator, or otherwise so use the

1 services of, any person who does not have at the  
2 commencement of employment or service, or at any time  
3 during the course of employment or service, a valid,  
4 current operator's employment permit, or temporary  
5 operator's employment permit issued in accordance with  
6 Sections 18a-403 or 18a-405 of this Chapter; or to fail to  
7 notify the Commission, in writing, of any known criminal  
8 conviction of any employee occurring at any time before or  
9 during the course of employment or service;

10 (3) To employ as a dispatcher, or otherwise so use the  
11 services of, any person who does not have at the  
12 commencement of employment or service, or at any time  
13 during the course of employment or service, a valid,  
14 current dispatcher's or operator's employment permit or  
15 temporary dispatcher's or operator's employment permit  
16 issued in accordance with Sections 18a-403 or 18a-407 of  
17 this Chapter; or to fail to notify the Commission, in  
18 writing, of any known criminal conviction of any employee  
19 occurring at any time before or during the course of  
20 employment or service;

21 (4) To operate upon the highways of this State any  
22 vehicle used in connection with any commercial vehicle  
23 relocation service unless:

24 (A) There is painted or firmly affixed to the  
25 vehicle on both sides of the vehicle in a color or  
26 colors vividly contrasting to the color of the vehicle

1 the name, address and telephone number of the  
2 relocater. The Commission shall prescribe reasonable  
3 rules and regulations pertaining to insignia to be  
4 painted or firmly affixed to vehicles and shall waive  
5 the requirements of the address on any vehicle in cases  
6 where the operator of a vehicle has painted or  
7 otherwise firmly affixed to the vehicle a seal or trade  
8 mark that clearly identifies the operator of the  
9 vehicle; and

10 (B) There is carried in the power unit of the  
11 vehicle a certified copy of the currently effective  
12 relocater's license and operator's employment permit.  
13 Copies may be photographed, photocopied, or reproduced  
14 or printed by any other legible and durable process.  
15 Any person guilty of not causing to be displayed a copy  
16 of his relocater's license and operator's employment  
17 permit may in any hearing concerning the violation be  
18 excused from the payment of the penalty hereinafter  
19 provided upon a showing that the license was issued by  
20 the Commission, but was subsequently lost or  
21 destroyed;

22 (5) To operate upon the highways of this State any  
23 vehicle used in connection with any commercial vehicle  
24 relocation service that bears the name or address and  
25 telephone number of any person or entity other than the  
26 relocater by which it is owned or to which it is leased;

1           (6) To advertise in any newspaper, book, list,  
2           classified directory or other publication unless there is  
3           contained in the advertisement the license number of the  
4           relocator;

5           (7) To remove any vehicle from private property without  
6           having first obtained the written authorization of the  
7           property owner or other person in lawful possession or  
8           control of the property, his authorized agent, or an  
9           authorized law enforcement officer. The authorization may  
10          be on a contractual basis covering a period of time or  
11          limited to a specific removal;

12          (8) To charge the private property owner, who requested  
13          that an unauthorized vehicle be removed from his property,  
14          with the costs of removing the vehicle contrary to any  
15          terms that may be a part of the contract between the  
16          property owner and the commercial relocator. Nothing in  
17          this paragraph shall prevent a relocator from assessing,  
18          collecting, or receiving from the property owner, lessee,  
19          or their agents any fee prescribed by the Commission;

20          (9) To remove a vehicle when the owner or operator of  
21          the vehicle is present or arrives at the vehicle location  
22          at any time prior to the completion of removal, and is  
23          willing and able to remove the vehicle immediately;

24          (10) To remove any vehicle from property on which signs  
25          are required and on which there are not posted appropriate  
26          signs under Section 18a-302;

1           (11) To fail to notify law enforcement authorities in  
2 the jurisdiction in which the trespassing vehicle was  
3 removed within one hour of the removal. Notification shall  
4 include a complete description of the vehicle,  
5 registration numbers if possible, the locations from which  
6 and to which the vehicle was removed, the time of removal,  
7 and any other information required by regulation, statute  
8 or ordinance;

9           (12) To impose any charge other than in accordance with  
10 the rates set by the Commission as provided in paragraph  
11 (6) of Section 18a-200 of this Chapter;

12           (13) To fail, in the office or location at which  
13 relocated vehicles are routinely returned to their owners,  
14 to prominently post the name, address and telephone number  
15 of the nearest office of the Commission to which inquiries  
16 or complaints may be sent;

17           (13.1) To fail to distribute to each owner or operator  
18 of a relocated vehicle, in written form as prescribed by  
19 Commission rule or regulation, the relevant statutes,  
20 regulations and ordinances governing commercial vehicle  
21 relocators, including, in at least 12 point boldface type,  
22 the name, address and telephone number of the nearest  
23 office of the Commission to which inquiries or complaints  
24 may be sent;

25           (13.2) To fail, in the office or location at which  
26 relocated vehicles are routinely returned to their owners,

1 to ensure that the relocator's representative provides  
2 suitable evidence of his or her identity to the owners of  
3 relocated vehicles upon request;

4 (14) To remove any vehicle, otherwise in accordance  
5 with this Chapter, more than 15 air miles from its location  
6 when towed from a location in an unincorporated area of a  
7 county or more than 10 air miles from its location when  
8 towed from any other location;

9 (15) To fail to make a telephone number available to  
10 the police department of any municipality in which a  
11 relocater operates at which the relocater or an employee of  
12 the relocater may be contacted at any time during the hours  
13 in which the relocater is engaged in the towing of  
14 vehicles, or advertised as engaged in the towing of  
15 vehicles, for the purpose of effectuating the release of a  
16 towed vehicle; or to fail to include the telephone number  
17 in any advertisement of the relocater's services published  
18 or otherwise appearing on or after the effective date of  
19 this amendatory Act; or to fail to have an employee  
20 available at any time on the premises owned or controlled  
21 by the relocater for the purposes of arranging for the  
22 immediate release of the vehicle.

23 Apart from any other penalty or liability authorized  
24 under this Act, if after a reasonable effort, the owner of  
25 the vehicle is unable to make telephone contact with the  
26 relocater for a period of one hour from his initial attempt



1 during any time period in which the relocator is required  
2 to respond at the number, all fees for towing, storage, or  
3 otherwise are to be waived. Proof of 3 attempted phone  
4 calls to the number provided to the police department by an  
5 officer or employee of the department on behalf of the  
6 vehicle owner within the space of one hour, at least 2 of  
7 which are separated by 45 minutes, shall be deemed  
8 sufficient proof of the owner's reasonable effort to make  
9 contact with the vehicle relocater. Failure of the  
10 relocater to respond to the phone calls is not a criminal  
11 violation of this Chapter;

12 (16) To use equipment which the relocater does not own,  
13 except in compliance with Section 18a-306 of this Chapter  
14 and Commission regulations. No equipment can be leased to  
15 more than one relocater at any time. Equipment leases shall  
16 be filed with the Commission. If equipment is leased to one  
17 relocater, it cannot thereafter be leased to another  
18 relocater until a written cancellation of lease is properly  
19 filed with the Commission;

20 (17) To use drivers or other personnel who are not  
21 employees or contractors of the relocater;

22 (18) To fail to refund any amount charged in excess of  
23 the reasonable rate established by the Commission;

24 (19) To violate any other provision of this Chapter, or  
25 of Commission regulations or orders adopted under this  
26 Chapter; and -

1           (20) Except for the purpose of relocating the vehicle  
2           in an emergency, to remove a vehicle for nonpayment of  
3           outstanding debts without first waiting for a period of one  
4           hour, if the vehicle is parked in a parking place reserved  
5           for persons with disabilities and is displaying disability  
6           registration plates or a parking decal or device issued  
7           under Section 3-616 of this Code.

8           (Source: P.A. 94-650, eff. 1-1-06.)