



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1377

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-113 from Ch. 95 1/2, par. 6-113
625 ILCS 5/6-205
625 ILCS 5/11-501.01

Amends the Illinois Vehicle Code. Provides that whenever the Secretary of State issues an administrative order requiring the use of an ignition interlock device, a driver's license containing an ignition interlock device restriction shall be issued. Requires the administrative order to set forth the duration of the restriction and any other applicable terms and conditions. Provides that individuals required to use an ignition interlock device shall only operate vehicles in which that device is installed. Deletes obsolete language regarding judicial driving permits. Effective July 1, 2015.

LRB099 06251 RJF 26319 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 6-113, 6-205, and 11-501.01 as follows:

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

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

8 (a) The Secretary of State upon issuing a drivers license
9 or permit shall have the authority whenever good cause appears
10 to impose restrictions suitable to the licensee's driving
11 ability with respect to the type of, or special mechanical
12 control devices required on, a motor vehicle which the licensee
13 may operate or such other restrictions applicable to the
14 licensee as the Secretary of State may determine to be
15 appropriate to assure the safe operation of a motor vehicle by
16 the licensee.

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

20 (c) The Secretary of State may issue a probationary license
21 to a person whose driving privileges have been suspended
22 pursuant to subsection (d) of this Section or subsection (a) (2)
23 of Section 6-206 of this Code. This subsection (c) does not

1 apply to any driver required to possess a CDL for the purpose
2 of operating a commercial motor vehicle. The Secretary of State
3 shall promulgate rules pursuant to the Illinois Administrative
4 Procedure Act, setting forth the conditions and criteria for
5 the issuance and cancellation of probationary licenses.

6 (d) The Secretary of State may upon receiving satisfactory
7 evidence of any violation of the restrictions of such license
8 or permit suspend, revoke or cancel the same without
9 preliminary hearing, but the licensee or permittee shall be
10 entitled to a hearing as in the case of a suspension or
11 revocation.

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

15 (f) Whenever the holder of a restricted driving permit is
16 issued a citation for any of the following offenses including
17 similar local ordinances, the restricted driving permit is
18 immediately invalidated:

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

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

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

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

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

5 The police officer issuing the citation shall confiscate
6 the restricted driving permit and forward it, along with the
7 citation, to the Clerk of the Circuit Court of the county in
8 which the citation was issued.

9 (g) The Secretary of State may issue a special restricted
10 license for a period of 48 months to individuals using vision
11 aid arrangements other than standard eyeglasses or contact
12 lenses, allowing the operation of a motor vehicle during
13 nighttime hours. The Secretary of State shall adopt rules
14 defining the terms and conditions by which the individual may
15 obtain and renew this special restricted license. At a minimum,
16 all drivers must meet the following requirements:

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

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

26 3. Successfully complete a road test administered

1 during nighttime hours.

2 The special restricted license holder must submit to the
3 Secretary annually a vision specialist report from his or her
4 ophthalmologist or optometrist that the special restricted
5 license holder's vision has not changed. If the special
6 restricted license holder fails to submit this vision
7 specialist report, the special restricted license shall be
8 cancelled under Section 6-201 of this Code.

9 At a minimum, all drivers renewing this license must meet
10 the following requirements:

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

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

18 (h) Any driver issued a special restricted license as
19 defined in subsection (g) whose privilege to drive during
20 nighttime hours has been suspended due to an accident occurring
21 during nighttime hours may request a hearing as provided in
22 Section 2-118 of this Code to contest that suspension. If it is
23 determined that the accident for which the driver was at fault
24 was not influenced by the driver's use of vision aid
25 arrangements other than standard eyeglasses or contact lenses,
26 the Secretary may reinstate that driver's privilege to drive

1 during nighttime hours.

2 (i) The Secretary of State may issue a special restricted
3 training permit for a period of 6 months to individuals using
4 vision aid arrangements other than standard eyeglasses or
5 contact lenses, allowing the operation of a motor vehicle
6 between sunset and 10:00 p.m. provided the driver is
7 accompanied by a person holding a valid driver's license
8 without nighttime operation restrictions. The Secretary may
9 adopt rules defining the terms and conditions by which the
10 individual may obtain and renew this special restricted
11 training permit. At a minimum, all persons applying for a
12 special restricted training permit must meet the following
13 requirements:

14 1. Possess a valid driver's license and have operated a
15 motor vehicle during daylight hours for a period of 6
16 months using vision aid arrangements other than standard
17 eyeglasses or contact lenses.

18 2. Have a driving record that does not include any
19 traffic accidents, for which the person has been found to
20 be at fault, during the 6 months before he or she applied
21 for the special restricted training permit.

22 (j) Whenever the Secretary of State has issued an
23 administrative order requiring an individual to use an ignition
24 interlock device after his or her driver's license has been
25 reinstated, that individual shall be issued a driver's license
26 containing the ignition interlock device restriction. The

1 administrative order shall set forth the duration of the
2 restriction and any other applicable terms and conditions.

3 (Source: P.A. 97-229, eff. 7-28-11; 98-746, eff. 1-1-15;
4 98-747, eff. 1-1-15; revised 10-2-14.)

5 (625 ILCS 5/6-205)

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

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

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

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

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

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

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

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

8 7. Conviction of any offense defined in Section 4-102
9 of this Code;

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

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

13 10. Violation of Section 12-5 of the Criminal Code of
14 1961 or the Criminal Code of 2012 arising from the use of a
15 motor vehicle;

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

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

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

1 and the driver was less than 21 years of age at the time of
2 the offense;

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

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

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

19 17. Violation of subsection (a-2) of Section 11-1301.3
20 of this Code or a similar provision of a local ordinance;

21 18. A second or subsequent conviction of illegal
22 possession, while operating or in actual physical control,
23 as a driver, of a motor vehicle, of any controlled
24 substance prohibited under the Illinois Controlled
25 Substances Act, any cannabis prohibited under the Cannabis
26 Control Act, or any methamphetamine prohibited under the

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

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

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

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

19 3. Of any person adjudicated under the Juvenile Court
20 Act of 1987 based on an offense determined to have been
21 committed in furtherance of the criminal activities of an
22 organized gang as provided in Section 5-710 of that Act,
23 and that involved the operation or use of a motor vehicle
24 or the use of a driver's license or permit. The revocation
25 shall remain in effect for the period determined by the
26 court. ~~Upon the direction of the court, the Secretary shall~~

1 ~~issue the person a judicial driving permit, also known as a~~
2 ~~JDP. The JDP shall be subject to the same terms as a JDP~~
3 ~~issued under Section 6-206.1, except that the court may~~
4 ~~direct that a JDP issued under this subdivision (b) (3) be~~
5 ~~effective immediately.~~

6 (c) (1) Whenever a person is convicted of any of the
7 offenses enumerated in this Section, the court may recommend
8 and the Secretary of State in his discretion, without regard to
9 whether the recommendation is made by the court may, upon
10 application, issue to the person a restricted driving permit
11 granting the privilege of driving a motor vehicle between the
12 petitioner's residence and petitioner's place of employment or
13 within the scope of the petitioner's employment related duties,
14 or to allow the petitioner to transport himself or herself or a
15 family member of the petitioner's household to a medical
16 facility for the receipt of necessary medical care or to allow
17 the petitioner to transport himself or herself to and from
18 alcohol or drug remedial or rehabilitative activity
19 recommended by a licensed service provider, or to allow the
20 petitioner to transport himself or herself or a family member
21 of the petitioner's household to classes, as a student, at an
22 accredited educational institution, or to allow the petitioner
23 to transport children, elderly persons, or disabled persons who
24 do not hold driving privileges and are living in the
25 petitioner's household to and from daycare; if the petitioner
26 is able to demonstrate that no alternative means of

1 transportation is reasonably available and that the petitioner
2 will not endanger the public safety or welfare; provided that
3 the Secretary's discretion shall be limited to cases where
4 undue hardship, as defined by the rules of the Secretary of
5 State, would result from a failure to issue the restricted
6 driving permit. Those multiple offenders identified in
7 subdivision (b)4 of Section 6-208 of this Code, however, shall
8 not be eligible for the issuance of a restricted driving
9 permit.

10 (2) If a person's license or permit is revoked or
11 suspended due to 2 or more convictions of violating Section
12 11-501 of this Code or a similar provision of a local
13 ordinance or a similar out-of-state offense, or Section 9-3
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 where the use of alcohol or other drugs is recited as an
16 element of the offense, or a similar out-of-state offense,
17 or a combination of these offenses, arising out of separate
18 occurrences, that person, if issued a restricted driving
19 permit, may not operate a vehicle unless it has been
20 equipped with an ignition interlock device as defined in
21 Section 1-129.1.

22 (3) If:

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

26 (i) a single conviction of violating Section

1 11-501 of this Code or a similar provision of a
2 local ordinance or a similar out-of-state offense,
3 or Section 9-3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, where the use of alcohol or
5 other drugs is recited as an element of the
6 offense, or a similar out-of-state offense; or

7 (ii) a statutory summary suspension or
8 revocation under Section 11-501.1; or

9 (iii) a suspension pursuant to Section
10 6-203.1;

11 arising out of separate occurrences; or

12 (B) a person has been convicted of one violation of
13 Section 6-303 of this Code committed while his or her
14 driver's license, permit, or privilege was revoked
15 because of a violation of Section 9-3 of the Criminal
16 Code of 1961 or the Criminal Code of 2012, relating to
17 the offense of reckless homicide where the use of
18 alcohol or other drugs was recited as an element of the
19 offense, or a similar provision of a law of another
20 state;

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

24 (4) The person issued a permit conditioned on the use
25 of an ignition interlock device must pay to the Secretary
26 of State DUI Administration Fund an amount not to exceed

1 \$30 per month. The Secretary shall establish by rule the
2 amount and the procedures, terms, and conditions relating
3 to these fees.

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

10 (6) In each case the Secretary of State may issue a
11 restricted driving permit for a period he deems
12 appropriate, except that the permit shall expire within one
13 year from the date of issuance. The Secretary may not,
14 however, issue a restricted driving permit to any person
15 whose current revocation is the result of a second or
16 subsequent conviction for a violation of Section 11-501 of
17 this Code or a similar provision of a local ordinance or
18 any similar out-of-state offense, or Section 9-3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, where
20 the use of alcohol or other drugs is recited as an element
21 of the offense, or any similar out-of-state offense, or any
22 combination of these offenses, until the expiration of at
23 least one year from the date of the revocation. A
24 restricted driving permit issued under this Section shall
25 be subject to cancellation, revocation, and suspension by
26 the Secretary of State in like manner and for like cause as

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

17 (c-5) (Blank).

18 (c-6) If a person is convicted of a second violation of
19 operating a motor vehicle while the person's driver's license,
20 permit or privilege was revoked, where the revocation was for a
21 violation of Section 9-3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 relating to the offense of reckless
23 homicide or a similar out-of-state offense, the person's
24 driving privileges shall be revoked pursuant to subdivision
25 (a)(15) of this Section. The person may not make application
26 for a license or permit until the expiration of five years from

1 the effective date of the revocation or the expiration of five
2 years from the date of release from a term of imprisonment,
3 whichever is later.

4 (c-7) If a person is convicted of a third or subsequent
5 violation of operating a motor vehicle while the person's
6 driver's license, permit or privilege was revoked, where the
7 revocation was for a violation of Section 9-3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012 relating to the
9 offense of reckless homicide or a similar out-of-state offense,
10 the person may never apply for a license or permit.

11 (d) (1) Whenever a person under the age of 21 is convicted
12 under Section 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense, the
14 Secretary of State shall revoke the driving privileges of that
15 person. One year after the date of revocation, and upon
16 application, the Secretary of State may, if satisfied that the
17 person applying will not endanger the public safety or welfare,
18 issue a restricted driving permit granting the privilege of
19 driving a motor vehicle only between the hours of 5 a.m. and 9
20 p.m. or as otherwise provided by this Section for a period of
21 one year. After this one year period, and upon reapplication
22 for a license as provided in Section 6-106, upon payment of the
23 appropriate reinstatement fee provided under paragraph (b) of
24 Section 6-118, the Secretary of State, in his discretion, may
25 reinstate the petitioner's driver's license and driving
26 privileges, or extend the restricted driving permit as many

1 times as the Secretary of State deems appropriate, by
2 additional periods of not more than 12 months each.

3 (2) If a person's license or permit is revoked or
4 suspended due to 2 or more convictions 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 Section 9-3
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 where the use of alcohol or other drugs is recited as an
9 element of the offense, or a similar out-of-state offense,
10 or a combination of these offenses, arising out of separate
11 occurrences, that person, if issued a restricted driving
12 permit, may not operate a vehicle unless it has been
13 equipped with an ignition interlock device as defined in
14 Section 1-129.1.

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

18 (A) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense, or
21 Section 9-3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, where the use of alcohol or
23 other drugs is recited as an element of the offense, or
24 a similar out-of-state offense; or

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

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

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

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

18 (6) A restricted driving permit issued under this
19 Section shall be subject to cancellation, revocation, and
20 suspension by the Secretary of State in like manner and for
21 like cause as a driver's license issued under this Code may
22 be cancelled, revoked, or suspended; except that a
23 conviction upon one or more offenses against laws or
24 ordinances regulating the movement of traffic shall be
25 deemed sufficient cause for the revocation, suspension, or
26 cancellation of a restricted driving permit.

1 (d-5) The revocation of the license, permit, or driving
2 privileges of a person convicted of a third or subsequent
3 violation of Section 6-303 of this Code committed while his or
4 her driver's license, permit, or privilege was revoked because
5 of a violation of Section 9-3 of the Criminal Code of 1961 or
6 the Criminal Code of 2012, relating to the offense of reckless
7 homicide, or a similar provision of a law of another state, is
8 permanent. The Secretary may not, at any time, issue a license
9 or permit to that person.

10 (e) This Section is subject to the provisions of the Driver
11 License Compact.

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

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

20 (h) The Secretary of State shall require the use of
21 ignition interlock devices on all vehicles owned by a person
22 who has been convicted of a second or subsequent offense under
23 Section 11-501 of this Code or a similar provision of a local
24 ordinance. The person must pay to the Secretary of State DUI
25 Administration Fund an amount not to exceed \$30 for each month
26 that he or she uses the device. The Secretary shall establish

1 by rule and regulation the procedures for certification and use
2 of the interlock system, the amount of the fee, and the
3 procedures, terms, and conditions relating to these fees.
4 During the time period in which a person is required to install
5 an ignition interlock device under this subsection (h), that
6 person shall only operate vehicles in which ignition interlock
7 devices have been installed, except as allowed by subdivision
8 (c) (5) or (d) (5) of this Section.

9 (i) (Blank).

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

15 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
16 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
17 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
18 1-1-13; 97-1150, eff. 1-25-13.)

19 (625 ILCS 5/11-501.01)

20 Sec. 11-501.01. Additional administrative sanctions.

21 (a) After a finding of guilt and prior to any final
22 sentencing or an order for supervision, for an offense based
23 upon an arrest for a violation of Section 11-501 or a similar
24 provision of a local ordinance, individuals shall be required
25 to undergo a professional evaluation to determine if an

1 alcohol, drug, or intoxicating compound abuse problem exists
2 and the extent of the problem, and undergo the imposition of
3 treatment as appropriate. Programs conducting these
4 evaluations shall be licensed by the Department of Human
5 Services. The cost of any professional evaluation shall be paid
6 for by the individual required to undergo the professional
7 evaluation.

8 (b) Any person who is found guilty of or pleads guilty to
9 violating Section 11-501, including any person receiving a
10 disposition of court supervision for violating that Section,
11 may be required by the Court to attend a victim impact panel
12 offered by, or under contract with, a county State's Attorney's
13 office, a probation and court services department, Mothers
14 Against Drunk Driving, or the Alliance Against Intoxicated
15 Motorists. All costs generated by the victim impact panel shall
16 be paid from fees collected from the offender or as may be
17 determined by the court.

18 (c) Every person found guilty of violating Section 11-501,
19 whose operation of a motor vehicle while in violation of that
20 Section proximately caused any incident resulting in an
21 appropriate emergency response, shall be liable for the expense
22 of an emergency response as provided in subsection (i) of this
23 Section.

24 (d) The Secretary of State shall revoke the driving
25 privileges of any person convicted under Section 11-501 or a
26 similar provision of a local ordinance.

1 (e) The Secretary of State shall require the use of
2 ignition interlock devices on all vehicles owned by a person
3 who has been convicted of a second or subsequent offense of
4 Section 11-501 or a similar provision of a local ordinance. The
5 person must pay to the Secretary of State DUI Administration
6 Fund an amount not to exceed \$30 for each month that he or she
7 uses the device. The Secretary shall establish by rule and
8 regulation the procedures for certification and use of the
9 interlock system, the amount of the fee, and the procedures,
10 terms, and conditions relating to these fees. During the time
11 period in which a person is required to install an ignition
12 interlock device under this subsection (e), that person shall
13 only operate vehicles in which ignition interlock devices have
14 been installed, except as allowed by subdivision (c)(5) or
15 (d)(5) of Section 6-205 of this Code.

16 (f) In addition to any other penalties and liabilities, a
17 person who is found guilty of or pleads guilty to violating
18 Section 11-501, including any person placed on court
19 supervision for violating Section 11-501, shall be assessed
20 \$750, payable to the circuit clerk, who shall distribute the
21 money as follows: \$350 to the law enforcement agency that made
22 the arrest, and \$400 shall be forwarded to the State Treasurer
23 for deposit into the General Revenue Fund. If the person has
24 been previously convicted of violating Section 11-501 or a
25 similar provision of a local ordinance, the fine shall be
26 \$1,000, and the circuit clerk shall distribute \$200 to the law

1 enforcement agency that made the arrest and \$800 to the State
2 Treasurer for deposit into the General Revenue Fund. In the
3 event that more than one agency is responsible for the arrest,
4 the amount payable to law enforcement agencies shall be shared
5 equally. Any moneys received by a law enforcement agency under
6 this subsection (f) shall be used for enforcement and
7 prevention of driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof, as defined by Section 11-501 of this Code,
10 including but not limited to the purchase of law enforcement
11 equipment and commodities that will assist in the prevention of
12 alcohol related criminal violence throughout the State; police
13 officer training and education in areas related to alcohol
14 related crime, including but not limited to DUI training; and
15 police officer salaries, including but not limited to salaries
16 for hire back funding for safety checkpoints, saturation
17 patrols, and liquor store sting operations. Any moneys received
18 by the Department of State Police under this subsection (f)
19 shall be deposited into the State Police DUI Fund and shall be
20 used to purchase law enforcement equipment that will assist in
21 the prevention of alcohol related criminal violence throughout
22 the State.

23 (g) The Secretary of State Police DUI Fund is created as a
24 special fund in the State treasury. All moneys received by the
25 Secretary of State Police under subsection (f) of this Section
26 shall be deposited into the Secretary of State Police DUI Fund

1 and, subject to appropriation, shall be used for enforcement
2 and prevention of driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof, as defined by Section 11-501 of this Code,
5 including but not limited to the purchase of law enforcement
6 equipment and commodities to assist in the prevention of
7 alcohol related criminal violence throughout the State; police
8 officer training and education in areas related to alcohol
9 related crime, including but not limited to DUI training; and
10 police officer salaries, including but not limited to salaries
11 for hire back funding for safety checkpoints, saturation
12 patrols, and liquor store sting operations.

13 (h) Whenever an individual is sentenced for an offense
14 based upon an arrest for a violation of Section 11-501 or a
15 similar provision of a local ordinance, and the professional
16 evaluation recommends remedial or rehabilitative treatment or
17 education, neither the treatment nor the education shall be the
18 sole disposition and either or both may be imposed only in
19 conjunction with another disposition. The court shall monitor
20 compliance with any remedial education or treatment
21 recommendations contained in the professional evaluation.
22 Programs conducting alcohol or other drug evaluation or
23 remedial education must be licensed by the Department of Human
24 Services. If the individual is not a resident of Illinois,
25 however, the court may accept an alcohol or other drug
26 evaluation or remedial education program in the individual's

1 state of residence. Programs providing treatment must be
2 licensed under existing applicable alcoholism and drug
3 treatment licensure standards.

4 (i) In addition to any other fine or penalty required by
5 law, an individual convicted of a violation of Section 11-501,
6 Section 5-7 of the Snowmobile Registration and Safety Act,
7 Section 5-16 of the Boat Registration and Safety Act, or a
8 similar provision, whose operation of a motor vehicle,
9 snowmobile, or watercraft while in violation of Section 11-501,
10 Section 5-7 of the Snowmobile Registration and Safety Act,
11 Section 5-16 of the Boat Registration and Safety Act, or a
12 similar provision proximately caused an incident resulting in
13 an appropriate emergency response, shall be required to make
14 restitution to a public agency for the costs of that emergency
15 response. The restitution may not exceed \$1,000 per public
16 agency for each emergency response. As used in this subsection
17 (i), "emergency response" means any incident requiring a
18 response by a police officer, a firefighter carried on the
19 rolls of a regularly constituted fire department, or an
20 ambulance. With respect to funds designated for the Department
21 of State Police, the moneys shall be remitted by the circuit
22 court clerk to the State Police within one month after receipt
23 for deposit into the State Police DUI Fund. With respect to
24 funds designated for the Department of Natural Resources, the
25 Department of Natural Resources shall deposit the moneys into
26 the Conservation Police Operations Assistance Fund.

1 (j) A person that is subject to a chemical test or tests of
2 blood under subsection (a) of Section 11-501.1 or subdivision
3 (c)(2) of Section 11-501.2 of this Code, whether or not that
4 person consents to testing, shall be liable for the expense up
5 to \$500 for blood withdrawal by a physician authorized to
6 practice medicine, a licensed physician assistant, a licensed
7 advanced practice nurse, a registered nurse, a trained
8 phlebotomist, a licensed paramedic, or a qualified person other
9 than a police officer approved by the Department of State
10 Police to withdraw blood, who responds, whether at a law
11 enforcement facility or a health care facility, to a police
12 department request for the drawing of blood based upon refusal
13 of the person to submit to a lawfully requested breath test or
14 probable cause exists to believe the test would disclose the
15 ingestion, consumption, or use of drugs or intoxicating
16 compounds if:

17 (1) the person is found guilty of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance; or

20 (2) the person pleads guilty to or stipulates to facts
21 supporting a violation of Section 11-503 of this Code or a
22 similar provision of a local ordinance when the plea or
23 stipulation was the result of a plea agreement in which the
24 person was originally charged with violating Section
25 11-501 of this Code or a similar local ordinance.

26 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;

1 98-292, eff. 1-1-14; 98-463, eff. 8-16-13; 98-973, eff.
2 8-15-14.)

3 Section 99. Effective date. This Act takes effect July 1,
4 2015.