

HB3403



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3403

by Rep. Karina Villa

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205

625 ILCS 5/11-501

625 ILCS 5/11-501.01

from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall require the use of ignition interlock devices for a period not less than 5 years on all vehicles owned by a person who has been convicted of a first (rather than second or subsequent) offense for driving under the influence.

LRB101 10489 TAE 55595 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-205, 11-501, and 11-501.01 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 or the Criminal Code of 2012 arising from the use of a
18 motor vehicle;

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

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

26 13. Violation of paragraph (a) of Section 11-502 of

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

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

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

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

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

24 18. A second or subsequent conviction of illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

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

11 19. Violation of subsection (a) of Section 11-1414 of
12 this Code, or a similar provision of a local ordinance,
13 relating to the offense of overtaking or passing of a
14 school bus when the driver, in committing the violation, is
15 involved in a motor vehicle accident that results in death
16 to another and the violation is a proximate cause of the
17 death.

18 (b) The Secretary of State shall also immediately revoke
19 the license or permit of any driver in the following
20 situations:

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

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license
2 or permit;

3 3. Of any person adjudicated under the Juvenile Court
4 Act of 1987 based on an offense determined to have been
5 committed in furtherance of the criminal activities of an
6 organized gang as provided in Section 5-710 of that Act,
7 and that involved the operation or use of a motor vehicle
8 or the use of a driver's license or permit. The revocation
9 shall remain in effect for the period determined by the
10 court.

11 (c) (1) Whenever a person is convicted of any of the
12 offenses enumerated in this Section, the court may recommend
13 and the Secretary of State in his discretion, without regard to
14 whether the recommendation is made by the court may, upon
15 application, issue to the person a restricted driving permit
16 granting the privilege of driving a motor vehicle between the
17 petitioner's residence and petitioner's place of employment or
18 within the scope of the petitioner's employment related duties,
19 or to allow the petitioner to transport himself or herself or a
20 family member of the petitioner's household to a medical
21 facility for the receipt of necessary medical care or to allow
22 the petitioner to transport himself or herself to and from
23 alcohol or drug remedial or rehabilitative activity
24 recommended by a licensed service provider, or to allow the
25 petitioner to transport himself or herself or a family member
26 of the petitioner's household to classes, as a student, at an

1 accredited educational institution, or to allow the petitioner
2 to transport children, elderly persons, or persons with
3 disabilities who do not hold driving privileges and are living
4 in the petitioner's household to and from daycare; if the
5 petitioner is able to demonstrate that no alternative means of
6 transportation is reasonably available and that the petitioner
7 will not endanger the public safety or welfare; provided that
8 the Secretary's discretion shall be limited to cases where
9 undue hardship, as defined by the rules of the Secretary of
10 State, would result from a failure to issue the restricted
11 driving permit.

12 (1.5) A person subject to the provisions of paragraph 4 of
13 subsection (b) of Section 6-208 of this Code may make
14 application for a restricted driving permit at a hearing
15 conducted under Section 2-118 of this Code after the expiration
16 of 5 years from the effective date of the most recent
17 revocation, or after 5 years from the date of release from a
18 period of imprisonment resulting from a conviction of the most
19 recent offense, whichever is later, provided the person, in
20 addition to all other requirements of the Secretary, shows by
21 clear and convincing evidence:

22 (A) a minimum of 3 years of uninterrupted abstinence
23 from alcohol and the unlawful use or consumption of
24 cannabis under the Cannabis Control Act, a controlled
25 substance under the Illinois Controlled Substances Act, an
26 intoxicating compound under the Use of Intoxicating

1 Compounds Act, or methamphetamine under the
2 Methamphetamine Control and Community Protection Act; and

3 (B) the successful completion of any rehabilitative
4 treatment and involvement in any ongoing rehabilitative
5 activity that may be recommended by a properly licensed
6 service provider according to an assessment of the person's
7 alcohol or drug use under Section 11-501.01 of this Code.

8 In determining whether an applicant is eligible for a
9 restricted driving permit under this paragraph (1.5), the
10 Secretary may consider any relevant evidence, including, but
11 not limited to, testimony, affidavits, records, and the results
12 of regular alcohol or drug tests. Persons subject to the
13 provisions of paragraph 4 of subsection (b) of Section 6-208 of
14 this Code and who have been convicted of more than one
15 violation of paragraph (3), paragraph (4), or paragraph (5) of
16 subsection (a) of Section 11-501 of this Code shall not be
17 eligible to apply for a restricted driving permit.

18 A restricted driving permit issued under this paragraph
19 (1.5) shall provide that the holder may only operate motor
20 vehicles equipped with an ignition interlock device as required
21 under paragraph (2) of subsection (c) of this Section and
22 subparagraph (A) of paragraph 3 of subsection (c) of Section
23 6-206 of this Code. The Secretary may revoke a restricted
24 driving permit or amend the conditions of a restricted driving
25 permit issued under this paragraph (1.5) if the holder operates
26 a vehicle that is not equipped with an ignition interlock

1 device, or for any other reason authorized under this Code.

2 A restricted driving permit issued under this paragraph
3 (1.5) shall be revoked, and the holder barred from applying for
4 or being issued a restricted driving permit in the future, if
5 the holder is subsequently convicted of a violation of Section
6 11-501 of this Code, a similar provision of a local ordinance,
7 or a similar offense in another state.

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

20 (3) If:

21 (A) a person's license or permit is revoked or
22 suspended ~~2 or more times~~ due to ~~any combination of:~~

23 (i) a single conviction of violating Section
24 11-501 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense, or
26 Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, where the use of alcohol or
2 other drugs is recited as an element of the offense, or
3 a similar out-of-state offense; or

4 (ii) a statutory summary suspension or revocation
5 under Section 11-501.1; or

6 (iii) a suspension pursuant to Section 6-203.1;
7 arising out of separate occurrences; or

8 (B) a person has been convicted of one violation of
9 subparagraph (C) or (F) of paragraph (1) of subsection (d)
10 of Section 11-501 of this Code, Section 9-3 of the Criminal
11 Code of 1961 or the Criminal Code of 2012, relating to the
12 offense of reckless homicide where the use of alcohol or
13 other drugs was recited as an element of the offense, or a
14 similar provision of a law of another state;

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

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

23 (5) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against operating a
25 motor 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. For any person who, within a
3 5-year period, is convicted of a second or subsequent offense
4 under Section 11-501 of this Code, or a similar provision of a
5 local ordinance or similar out-of-state offense, this
6 employment exemption does not apply until either a one-year
7 period has elapsed during which that person had his or her
8 driving privileges revoked or a one-year period has elapsed
9 during which that person had a restricted driving permit which
10 required the use of an ignition interlock device on every motor
11 vehicle owned or operated by that person.

12 (6) In each case the Secretary of State may issue a
13 restricted driving permit for a period he deems appropriate,
14 except that the permit shall expire no later than 2 years from
15 the date of issuance. A restricted driving permit issued under
16 this Section shall be subject to cancellation, revocation, and
17 suspension by the Secretary of State in like manner and for
18 like cause as a driver's license issued under this Code may be
19 cancelled, revoked, or suspended; except that a conviction upon
20 one or more offenses against laws or ordinances regulating the
21 movement of traffic shall be deemed sufficient cause for the
22 revocation, suspension, or cancellation of a restricted
23 driving permit. The Secretary of State may, as a condition to
24 the issuance of a restricted driving permit, require the
25 petitioner to participate in a designated driver remedial or
26 rehabilitative program. The Secretary of State is authorized to

1 cancel a restricted driving permit if the permit holder does
2 not successfully complete the program. However, if an
3 individual's driving privileges have been revoked in
4 accordance with paragraph 13 of subsection (a) of this Section,
5 no restricted driving permit shall be issued until the
6 individual has served 6 months of the revocation period.

7 (c-5) (Blank).

8 (c-6) If a person is convicted of a second violation of
9 operating a motor vehicle while the person's driver's license,
10 permit or privilege was revoked, where the revocation was for a
11 violation of Section 9-3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 relating to the offense of reckless
13 homicide or a similar out-of-state offense, the person's
14 driving privileges shall be revoked pursuant to subdivision
15 (a) (15) of this Section. The person may not make application
16 for a license or permit until the expiration of five years from
17 the effective date of the revocation or the expiration of five
18 years from the date of release from a term of imprisonment,
19 whichever is later.

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

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

19 (2) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense, or Section 9-3
23 of the Criminal Code of 1961 or the Criminal Code of 2012,
24 where the use of alcohol or other drugs is recited as an
25 element of the offense, or a similar out-of-state offense,
26 or a combination of these offenses, arising out of separate

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

5 (3) If a person's license or permit is revoked or
6 suspended 2 or more times due to any combination of:

7 (A) a single conviction of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense, or
10 Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, where the use of alcohol or
12 other drugs is recited as an element of the offense, or
13 a similar out-of-state offense; or

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

16 (C) a suspension pursuant to Section 6-203.1;

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

21 (3.5) If a person's license or permit is revoked or
22 suspended due to a conviction for a violation of
23 subparagraph (C) or (F) of paragraph (1) of subsection (d)
24 of Section 11-501 of this Code, or a similar provision of a
25 local ordinance or similar out-of-state offense, that
26 person, if issued a restricted driving permit, may not

1 operate a vehicle unless it has been equipped with an
2 ignition interlock device as defined in Section 1-129.1.

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

9 (5) If the restricted driving permit is issued for
10 employment purposes, then the prohibition against driving
11 a vehicle that is not equipped with an ignition interlock
12 device does not apply to the operation of an occupational
13 vehicle owned or leased by that person's employer when used
14 solely for employment purposes. For any person who, within
15 a 5-year period, is convicted of a second or subsequent
16 offense under Section 11-501 of this Code, or a similar
17 provision of a local ordinance or similar out-of-state
18 offense, this employment exemption does not apply until
19 either a one-year period has elapsed during which that
20 person had his or her driving privileges revoked or a
21 one-year period has elapsed during which that person had a
22 restricted driving permit which required the use of an
23 ignition interlock device on every motor vehicle owned or
24 operated by that person.

25 (6) A restricted driving permit issued under this
26 Section shall be subject to cancellation, revocation, and

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

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

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

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

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

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

17 (i) (Blank).

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

23 (k) The Secretary of State shall notify by mail any person
24 whose driving privileges have been revoked under paragraph 16
25 of subsection (a) of this Section that his or her driving
26 privileges and driver's license will be revoked 90 days from

1 the date of the mailing of the notice.

2 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;
3 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
4 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff. 7-28-16;
5 100-223, eff. 8-18-17; 100-803, eff. 1-1-19.)

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood,
13 other bodily substance, or breath is 0.08 or more based on
14 the definition of blood and breath units in Section
15 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or
18 combination of intoxicating compounds to a degree that
19 renders the person incapable of driving safely;

20 (4) under the influence of any other drug or
21 combination of drugs to a degree that renders the person
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds to a degree
25 that renders the person incapable of safely driving;

1 (6) there is any amount of a drug, substance, or
2 compound in the person's breath, blood, other bodily
3 substance, or urine resulting from the unlawful use or
4 consumption of a controlled substance listed in the
5 Illinois Controlled Substances Act, an intoxicating
6 compound listed in the Use of Intoxicating Compounds Act,
7 or methamphetamine as listed in the Methamphetamine
8 Control and Community Protection Act; or

9 (7) the person has, within 2 hours of driving or being
10 in actual physical control of a vehicle, a
11 tetrahydrocannabinol concentration in the person's whole
12 blood or other bodily substance as defined in paragraph 6
13 of subsection (a) of Section 11-501.2 of this Code. Subject
14 to all other requirements and provisions under this
15 Section, this paragraph (7) does not apply to the lawful
16 consumption of cannabis by a qualifying patient licensed
17 under the Compassionate Use of Medical Cannabis Pilot
18 Program Act who is in possession of a valid registry card
19 issued under that Act, unless that person is impaired by
20 the use of cannabis.

21 (b) The fact that any person charged with violating this
22 Section is or has been legally entitled to use alcohol,
23 cannabis under the Compassionate Use of Medical Cannabis Pilot
24 Program Act, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof, shall not constitute a
26 defense against any charge of violating this Section.

1 (c) Penalties.

2 (1) Except as otherwise provided in this Section, any
3 person convicted of violating subsection (a) of this
4 Section is guilty of a Class A misdemeanor.

5 (2) A person who violates subsection (a) or a similar
6 provision a second time shall be sentenced to a mandatory
7 minimum term of either 5 days of imprisonment or 240 hours
8 of community service in addition to any other criminal or
9 administrative sanction.

10 (3) A person who violates subsection (a) is subject to
11 6 months of imprisonment, an additional mandatory minimum
12 fine of \$1,000, and 25 days of community service in a
13 program benefiting children if the person was transporting
14 a person under the age of 16 at the time of the violation.

15 (4) A person who violates subsection (a) a first time,
16 if the alcohol concentration in his or her blood, breath,
17 other bodily substance, or urine was 0.16 or more based on
18 the definition of blood, breath, other bodily substance, or
19 urine units in Section 11-501.2, shall be subject, in
20 addition to any other penalty that may be imposed, to a
21 mandatory minimum of 100 hours of community service and a
22 mandatory minimum fine of \$500.

23 (5) A person who violates subsection (a) a second time,
24 if at the time of the second violation the alcohol
25 concentration in his or her blood, breath, other bodily
26 substance, or urine was 0.16 or more based on the

1 definition of blood, breath, other bodily substance, or
2 urine units in Section 11-501.2, shall be subject, in
3 addition to any other penalty that may be imposed, to a
4 mandatory minimum of 2 days of imprisonment and a mandatory
5 minimum fine of \$1,250.

6 (6) A person who violates subsection (a) a first time
7 shall be required to use an ignition interlock device for 5
8 years on any vehicle operated by the person.

9 (d) Aggravated driving under the influence of alcohol,
10 other drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof.

12 (1) Every person convicted of committing a violation of
13 this Section shall be guilty of aggravated driving under
14 the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof if:

17 (A) the person committed a violation of subsection
18 (a) or a similar provision for the third or subsequent
19 time;

20 (B) the person committed a violation of subsection
21 (a) while driving a school bus with one or more
22 passengers on board;

23 (C) the person in committing a violation of
24 subsection (a) was involved in a motor vehicle accident
25 that resulted in great bodily harm or permanent
26 disability or disfigurement to another, when the

1 violation was a proximate cause of the injuries;

2 (D) the person committed a violation of subsection
3 (a) and has been previously convicted of violating
4 Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 or a similar provision of a law
6 of another state relating to reckless homicide in which
7 the person was determined to have been under the
8 influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds as an element of the
10 offense or the person has previously been convicted
11 under subparagraph (C) or subparagraph (F) of this
12 paragraph (1);

13 (E) the person, in committing a violation of
14 subsection (a) while driving at any speed in a school
15 speed zone at a time when a speed limit of 20 miles per
16 hour was in effect under subsection (a) of Section
17 11-605 of this Code, was involved in a motor vehicle
18 accident that resulted in bodily harm, other than great
19 bodily harm or permanent disability or disfigurement,
20 to another person, when the violation of subsection (a)
21 was a proximate cause of the bodily harm;

22 (F) the person, in committing a violation of
23 subsection (a), was involved in a motor vehicle,
24 snowmobile, all-terrain vehicle, or watercraft
25 accident that resulted in the death of another person,
26 when the violation of subsection (a) was a proximate

1 cause of the death;

2 (G) the person committed a violation of subsection
3 (a) during a period in which the defendant's driving
4 privileges are revoked or suspended, where the
5 revocation or suspension was for a violation of
6 subsection (a) or a similar provision, Section
7 11-501.1, paragraph (b) of Section 11-401, or for
8 reckless homicide as defined in Section 9-3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012;

10 (H) the person committed the violation while he or
11 she did not possess a driver's license or permit or a
12 restricted driving permit or a judicial driving permit
13 or a monitoring device driving permit;

14 (I) the person committed the violation while he or
15 she knew or should have known that the vehicle he or
16 she was driving was not covered by a liability
17 insurance policy;

18 (J) the person in committing a violation of
19 subsection (a) was involved in a motor vehicle accident
20 that resulted in bodily harm, but not great bodily
21 harm, to the child under the age of 16 being
22 transported by the person, if the violation was the
23 proximate cause of the injury;

24 (K) the person in committing a second violation of
25 subsection (a) or a similar provision was transporting
26 a person under the age of 16; or

1 (L) the person committed a violation of subsection
2 (a) of this Section while transporting one or more
3 passengers in a vehicle for-hire.

4 (2) (A) Except as provided otherwise, a person
5 convicted of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof is guilty of a Class
8 4 felony.

9 (B) A third violation of this Section or a similar
10 provision is a Class 2 felony. If at the time of the third
11 violation the alcohol concentration in his or her blood,
12 breath, other bodily substance, or urine was 0.16 or more
13 based on the definition of blood, breath, other bodily
14 substance, or urine units in Section 11-501.2, a mandatory
15 minimum of 90 days of imprisonment and a mandatory minimum
16 fine of \$2,500 shall be imposed in addition to any other
17 criminal or administrative sanction. If at the time of the
18 third violation, the defendant was transporting a person
19 under the age of 16, a mandatory fine of \$25,000 and 25
20 days of community service in a program benefiting children
21 shall be imposed in addition to any other criminal or
22 administrative sanction.

23 (C) A fourth violation of this Section or a similar
24 provision is a Class 2 felony, for which a sentence of
25 probation or conditional discharge may not be imposed. If
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or
2 urine was 0.16 or more based on the definition of blood,
3 breath, other bodily substance, or urine units in Section
4 11-501.2, a mandatory minimum fine of \$5,000 shall be
5 imposed in addition to any other criminal or administrative
6 sanction. If at the time of the fourth violation, the
7 defendant was transporting a person under the age of 16 a
8 mandatory fine of \$25,000 and 25 days of community service
9 in a program benefiting children shall be imposed in
10 addition to any other criminal or administrative sanction.

11 (D) A fifth violation of this Section or a similar
12 provision is a Class 1 felony, for which a sentence of
13 probation or conditional discharge may not be imposed. If
14 at the time of the violation, the alcohol concentration in
15 the defendant's blood, breath, other bodily substance, or
16 urine was 0.16 or more based on the definition of blood,
17 breath, other bodily substance, or urine units in Section
18 11-501.2, a mandatory minimum fine of \$5,000 shall be
19 imposed in addition to any other criminal or administrative
20 sanction. If at the time of the fifth violation, the
21 defendant was transporting a person under the age of 16, a
22 mandatory fine of \$25,000, and 25 days of community service
23 in a program benefiting children shall be imposed in
24 addition to any other criminal or administrative sanction.

25 (E) A sixth or subsequent violation of this Section or
26 similar provision is a Class X felony. If at the time of

1 the violation, the alcohol concentration in the
2 defendant's blood, breath, other bodily substance, or
3 urine was 0.16 or more based on the definition of blood,
4 breath, other bodily substance, or urine units in Section
5 11-501.2, a mandatory minimum fine of \$5,000 shall be
6 imposed in addition to any other criminal or administrative
7 sanction. If at the time of the violation, the defendant
8 was transporting a person under the age of 16, a mandatory
9 fine of \$25,000 and 25 days of community service in a
10 program benefiting children shall be imposed in addition to
11 any other criminal or administrative sanction.

12 (F) For a violation of subparagraph (C) of paragraph
13 (1) of this subsection (d), the defendant, if sentenced to
14 a term of imprisonment, shall be sentenced to not less than
15 one year nor more than 12 years.

16 (G) A violation of subparagraph (F) of paragraph (1) of
17 this subsection (d) is a Class 2 felony, for which the
18 defendant, unless the court determines that extraordinary
19 circumstances exist and require probation, shall be
20 sentenced to: (i) a term of imprisonment of not less than 3
21 years and not more than 14 years if the violation resulted
22 in the death of one person; or (ii) a term of imprisonment
23 of not less than 6 years and not more than 28 years if the
24 violation resulted in the deaths of 2 or more persons.

25 (H) For a violation of subparagraph (J) of paragraph
26 (1) of this subsection (d), a mandatory fine of \$2,500, and

1 25 days of community service in a program benefiting
2 children shall be imposed in addition to any other criminal
3 or administrative sanction.

4 (I) A violation of subparagraph (K) of paragraph (1) of
5 this subsection (d), is a Class 2 felony and a mandatory
6 fine of \$2,500, and 25 days of community service in a
7 program benefiting children shall be imposed in addition to
8 any other criminal or administrative sanction. If the child
9 being transported suffered bodily harm, but not great
10 bodily harm, in a motor vehicle accident, and the violation
11 was the proximate cause of that injury, a mandatory fine of
12 \$5,000 and 25 days of community service in a program
13 benefiting children shall be imposed in addition to any
14 other criminal or administrative sanction.

15 (J) A violation of subparagraph (D) of paragraph (1) of
16 this subsection (d) is a Class 3 felony, for which a
17 sentence of probation or conditional discharge may not be
18 imposed.

19 (3) Any person sentenced under this subsection (d) who
20 receives a term of probation or conditional discharge must
21 serve a minimum term of either 480 hours of community
22 service or 10 days of imprisonment as a condition of the
23 probation or conditional discharge in addition to any other
24 criminal or administrative sanction.

25 (e) Any reference to a prior violation of subsection (a) or
26 a similar provision includes any violation of a provision of a

1 local ordinance or a provision of a law of another state or an
2 offense committed on a military installation that is similar to
3 a violation of subsection (a) of this Section.

4 (f) The imposition of a mandatory term of imprisonment or
5 assignment of community service for a violation of this Section
6 shall not be suspended or reduced by the court.

7 (g) Any penalty imposed for driving with a license that has
8 been revoked for a previous violation of subsection (a) of this
9 Section shall be in addition to the penalty imposed for any
10 subsequent violation of subsection (a).

11 (h) For any prosecution under this Section, a certified
12 copy of the driving abstract of the defendant shall be admitted
13 as proof of any prior conviction.

14 (Source: P.A. 98-122, eff. 1-1-14; 98-573, eff. 8-27-13;
15 98-756, eff. 7-16-14; 99-697, eff. 7-29-16.)

16 (625 ILCS 5/11-501.01)

17 (Text of Section before amendment by P.A. 100-987)

18 Sec. 11-501.01. Additional administrative sanctions.

19 (a) After a finding of guilt and prior to any final
20 sentencing or an order for supervision, for an offense based
21 upon an arrest for a violation of Section 11-501 or a similar
22 provision of a local ordinance, individuals shall be required
23 to undergo a professional evaluation to determine if an
24 alcohol, drug, or intoxicating compound abuse problem exists
25 and the extent of the problem, and undergo the imposition of

1 treatment as appropriate. Programs conducting these
2 evaluations shall be licensed by the Department of Human
3 Services. The cost of any professional evaluation shall be paid
4 for by the individual required to undergo the professional
5 evaluation.

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

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

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

25 (e) The Secretary of State shall require the use of
26 ignition interlock devices for a period not less than 5 years

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

15 (f) In addition to any other penalties and liabilities, a
16 person who is found guilty of or pleads guilty to violating
17 Section 11-501, including any person placed on court
18 supervision for violating Section 11-501, shall be assessed
19 \$750, payable to the circuit clerk, who shall distribute the
20 money as follows: \$350 to the law enforcement agency that made
21 the arrest, and \$400 shall be forwarded to the State Treasurer
22 for deposit into the General Revenue Fund. If the person has
23 been previously convicted of violating Section 11-501 or a
24 similar provision of a local ordinance, the fine shall be
25 \$1,000, and the circuit clerk shall distribute \$200 to the law
26 enforcement agency that made the arrest and \$800 to the State

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

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

1 and prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by Section 11-501 of this Code,
4 including, but not limited to, the purchase of law enforcement
5 equipment and commodities to assist in the prevention of
6 alcohol-related ~~alcohol-related~~ criminal violence throughout
7 the State; police officer training and education in areas
8 related to alcohol-related ~~alcohol-related~~ crime, including,but not limited to,
9 DUI training; and police officer salaries,
10 including, but not limited to, salaries for hire back funding
11 for safety checkpoints, saturation patrols, and liquor store
12 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 registered nurse, a registered nurse, a
8 trained phlebotomist, a licensed paramedic, or a qualified
9 person other than a police officer approved by the Department
10 of State Police to withdraw blood, who responds, whether at a
11 law 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. 99-289, eff. 8-6-15; 99-296, eff. 1-1-16; 99-642,

1 eff. 7-28-16; 100-513, eff. 1-1-18; revised 10-19-18.)

2 (Text of Section after amendment by P.A. 100-987)

3 Sec. 11-501.01. Additional administrative sanctions.

4 (a) After a finding of guilt and prior to any final
5 sentencing or an order for supervision, for an offense based
6 upon an arrest for a violation of Section 11-501 or a similar
7 provision of a local ordinance, individuals shall be required
8 to undergo a professional evaluation to determine if an
9 alcohol, drug, or intoxicating compound abuse problem exists
10 and the extent of the problem, and undergo the imposition of
11 treatment as appropriate. Programs conducting these
12 evaluations shall be licensed by the Department of Human
13 Services. The cost of any professional evaluation shall be paid
14 for by the individual required to undergo the professional
15 evaluation.

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

1 (c) (Blank).

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

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

21 (f) (Blank).

22 (g) The Secretary of State Police DUI Fund is created as a
23 special fund in the State treasury and, subject to
24 appropriation, shall be used for enforcement and prevention of
25 driving while under the influence of alcohol, other drug or
26 drugs, intoxicating compound or compounds or any combination

1 thereof, as defined by Section 11-501 of this Code, including,
2 but not limited to, the purchase of law enforcement equipment
3 and commodities to assist in the prevention of alcohol-related
4 ~~alcohol-related~~ criminal violence throughout the State; police
5 officer training and education in areas related to
6 alcohol-related ~~alcohol-related~~ crime, including, but not
7 limited to, DUI training; and police officer salaries,
8 including, but not limited to, salaries for hire back funding
9 for safety checkpoints, saturation patrols, and liquor store
10 sting operations.

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

1 treatment licensure standards.

2 (i) (Blank).

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

19 (1) the person is found guilty of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance; or

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

1 11-501 of this Code or a similar local ordinance.
2 (Source: P.A. 99-289, eff. 8-6-15; 99-296, eff. 1-1-16; 99-642,
3 eff. 7-28-16; 100-513, eff. 1-1-18; 100-987, eff. 7-1-19;
4 revised 10-19-18.)

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