

SB1433



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1433

Introduced 2/9/2011, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-208.1

from Ch. 95 1/2, par. 6-208.1

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning statutory summary suspensions.

LRB097 06971 HEP 47064 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 Section 6-208.1 as follows:

6 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

8 Sec. 6-208.1. Period of statutory summary alcohol, other
9 drug, or intoxicating compound related suspension.

10 (a) Unless the ~~the~~ statutory summary suspension has been
11 rescinded, any person whose privilege to drive a motor vehicle
12 on the public highways has been summarily suspended, pursuant
13 to Section 11-501.1, shall not be eligible for restoration of
14 the privilege until the expiration of:

15 1. Twelve months from the effective date of the
16 statutory summary suspension for a refusal or failure to
17 complete a test or tests to determine the alcohol, drug, or
18 intoxicating compound concentration, pursuant to Section
19 11-501.1; or

20 2. Six months from the effective date of the statutory
21 summary suspension imposed following the person's
22 submission to a chemical test which disclosed an alcohol
23 concentration of 0.08 or more, or any amount of a drug,

1 substance, or intoxicating compound in such person's
2 breath, blood, or urine resulting from the unlawful use or
3 consumption of cannabis listed in the Cannabis Control Act,
4 a controlled substance listed in the Illinois Controlled
5 Substances Act, an intoxicating compound listed in the Use
6 of Intoxicating Compounds Act, or methamphetamine as
7 listed in the Methamphetamine Control and Community
8 Protection Act, pursuant to Section 11-501.1; or

9 3. Three years from the effective date of the statutory
10 summary suspension for any person other than a first
11 offender who refuses or fails to complete a test or tests
12 to determine the alcohol, drug, or intoxicating compound
13 concentration pursuant to Section 11-501.1; or

14 4. One year from the effective date of the summary
15 suspension imposed for any person other than a first
16 offender following submission to a chemical test which
17 disclosed an alcohol concentration of 0.08 or more pursuant
18 to Section 11-501.1 or any amount of a drug, substance or
19 compound in such person's blood or urine resulting from the
20 unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act,
24 or methamphetamine as listed in the Methamphetamine
25 Control and Community Protection Act.

26 (b) Following a statutory summary suspension of the

1 privilege to drive a motor vehicle under Section 11-501.1,
2 driving privileges shall be restored unless the person is
3 otherwise suspended, revoked, or cancelled by this Code. If the
4 court has reason to believe that the person's driving privilege
5 should not be restored, the court shall notify the Secretary of
6 State prior to the expiration of the statutory summary
7 suspension so appropriate action may be taken pursuant to this
8 Code.

9 (c) Driving privileges may not be restored until all
10 applicable reinstatement fees, as provided by this Code, have
11 been paid to the Secretary of State and the appropriate entry
12 made to the driver's record.

13 (d) Where a driving privilege has been summarily suspended
14 under Section 11-501.1 and the person is subsequently convicted
15 of violating Section 11-501, or a similar provision of a local
16 ordinance, for the same incident, any period served on
17 statutory summary suspension shall be credited toward the
18 minimum period of revocation of driving privileges imposed
19 pursuant to Section 6-205.

20 (e) Following a statutory summary suspension of driving
21 privileges pursuant to Section 11-501.1, for a first offender,
22 the circuit court shall, unless the offender has opted in
23 writing not to have a monitoring device driving permit issued,
24 order the Secretary of State to issue a monitoring device
25 driving permit as provided in Section 6-206.1. A monitoring
26 device driving permit shall not be effective prior to the 31st

1 day of the statutory summary suspension.

2 (f) (Blank).

3 (g) Following a statutory summary suspension of driving
4 privileges pursuant to Section 11-501.1 where the person was
5 not a first offender, as defined in Section 11-500, the
6 Secretary of State may not issue a restricted driving permit.

7 (h) (Blank).

8 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
9 eff. 8-21-08.)

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

11 Sec. 6-208.1. Period of statutory summary alcohol, other
12 drug, or intoxicating compound related suspension or
13 revocation.

14 (a) Unless the ~~the~~ statutory summary suspension has been
15 rescinded, any person whose privilege to drive a motor vehicle
16 on the public highways has been summarily suspended, pursuant
17 to Section 11-501.1, shall not be eligible for restoration of
18 the privilege until the expiration of:

19 1. Twelve months from the effective date of the
20 statutory summary suspension for a refusal or failure to
21 complete a test or tests to determine the alcohol, drug, or
22 intoxicating compound concentration, pursuant to Section
23 11-501.1, if the person was not involved in a motor vehicle
24 crash that caused personal injury or death to another; or

25 2. Six months from the effective date of the statutory

1 summary suspension imposed following the person's
2 submission to a chemical test which disclosed an alcohol
3 concentration of 0.08 or more, or any amount of a drug,
4 substance, or intoxicating compound in such person's
5 breath, blood, or urine resulting from the unlawful use or
6 consumption of cannabis listed in the Cannabis Control Act,
7 a controlled substance listed in the Illinois Controlled
8 Substances Act, an intoxicating compound listed in the Use
9 of Intoxicating Compounds Act, or methamphetamine as
10 listed in the Methamphetamine Control and Community
11 Protection Act, pursuant to Section 11-501.1; or

12 3. Three years from the effective date of the statutory
13 summary suspension for any person other than a first
14 offender who refuses or fails to complete a test or tests
15 to determine the alcohol, drug, or intoxicating compound
16 concentration pursuant to Section 11-501.1; or

17 4. One year from the effective date of the summary
18 suspension imposed for any person other than a first
19 offender following submission to a chemical test which
20 disclosed an alcohol concentration of 0.08 or more pursuant
21 to Section 11-501.1 or any amount of a drug, substance or
22 compound in such person's blood or urine resulting from the
23 unlawful use or consumption of cannabis listed in the
24 Cannabis Control Act, a controlled substance listed in the
25 Illinois Controlled Substances Act, an intoxicating
26 compound listed in the Use of Intoxicating Compounds Act,

1 or methamphetamine as listed in the Methamphetamine
2 Control and Community Protection Act.

3 (a-1) Unless the statutory summary revocation has been
4 rescinded, any person whose privilege to drive has been
5 summarily revoked pursuant to Section 11-501.1 may not make
6 application for a license or permit until the expiration of one
7 year from the effective date of the summary revocation.

8 (b) Following a statutory summary suspension of the
9 privilege to drive a motor vehicle under Section 11-501.1,
10 driving privileges shall be restored unless the person is
11 otherwise suspended, revoked, or cancelled by this Code. If the
12 court has reason to believe that the person's driving privilege
13 should not be restored, the court shall notify the Secretary of
14 State prior to the expiration of the statutory summary
15 suspension so appropriate action may be taken pursuant to this
16 Code.

17 (c) Driving privileges may not be restored until all
18 applicable reinstatement fees, as provided by this Code, have
19 been paid to the Secretary of State and the appropriate entry
20 made to the driver's record.

21 (d) Where a driving privilege has been summarily suspended
22 or revoked under Section 11-501.1 and the person is
23 subsequently convicted of violating Section 11-501, or a
24 similar provision of a local ordinance, for the same incident,
25 any period served on statutory summary suspension or revocation
26 shall be credited toward the minimum period of revocation of

1 driving privileges imposed pursuant to Section 6-205.

2 (e) Following a statutory summary suspension of driving
3 privileges pursuant to Section 11-501.1, for a first offender,
4 the circuit court shall, unless the offender has opted in
5 writing not to have a monitoring device driving permit issued,
6 order the Secretary of State to issue a monitoring device
7 driving permit as provided in Section 6-206.1. A monitoring
8 device driving permit shall not be effective prior to the 31st
9 day of the statutory summary suspension. A first offender who
10 refused chemical testing and whose driving privileges were
11 summarily revoked pursuant to Section 11-501.1 shall not be
12 eligible for any type of driving permit or privilege during the
13 summary revocation.

14 (f) (Blank).

15 (g) Following a statutory summary suspension of driving
16 privileges pursuant to Section 11-501.1 where the person was
17 not a first offender, as defined in Section 11-500, the
18 Secretary of State may not issue a restricted driving permit.

19 (h) (Blank).

20 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
21 eff. 8-21-08; 96-1344, eff. 7-1-11.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.