



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2315

by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Administrative Procedure Act. Allows the Secretary of State to provide service by email of a document containing a driver's license number. Amends the Illinois Identification Card Act. Provides that Every Real ID compliant identification card or Real ID compliant Person with a Disability Identification Card issued under the Act to an applicant who is not a United States citizen or permanent resident, other than a conditional resident, shall be marked "Limited Term". Amends the Illinois Vehicle Code. Provides that every Real ID compliant driver's license issued under this Code to an applicant who is not a United States citizen or permanent resident, other than a conditional resident, shall be marked "Limited Term". Defines "medical examiner's certificate". Provides that the Secretary shall deny, suspend, or revoke registration if the applicant fails to disclose material information required or if the applicant has made a materially false statement on the application, or the applicant has applied as a subterfuge for the real party in interest who has been issued a Federal out-of-service order or if the applicant's business is operated, managed or otherwise controlled or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, family member, corporate officer or shareholder. The Secretary shall deny, suspend, or revoke registration for either a (i) vehicle if the motor carrier responsible for the safety of the vehicle has been prohibited from operating by the Federal Motor Carrier Safety Administration; or (ii) for a carrier whose business is operated, managed or otherwise controlled or affiliated with a person who is ineligible for registration, which may include the owner, a relative, family member, corporate officer, or shareholder of the carrier. Provides that any law enforcement agency, in addition to the Secretary of State, may seize or confiscate documents or plates issued by the Secretary upon expiration, revocation, cancellation or suspension thereof, or if it is fictitious, or if it has been unlawfully or erroneously issued. Provides requirements for consenting to accept service of documents by email.

LRB101 08090 TAE 53153 b

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Administrative Procedure Act is  
5 amended by changing Section 10-75 as follows:

6 (5 ILCS 100/10-75)

7 Sec. 10-75. Service by email.

8 (a) The following requirements shall apply for consenting  
9 to accept service by email:

10 (1) At any time either before or after its issuance of  
11 a hearing notice as described in Section 10-25, an agency  
12 may require any attorney representing a party to the  
13 hearing to provide one or more email addresses at which he  
14 or she ~~they~~ shall accept service of documents described in  
15 Sections 10-25 and 10-50 in connection with the hearing. A  
16 party represented by an attorney may provide the email  
17 address of the attorney.

18 (2) To the extent a person or entity is subject to  
19 licensure, permitting, or regulation by the agency, or  
20 submits an application for licensure or permitting to the  
21 agency, that agency may require, as a condition of such  
22 application, licensure, permitting, or regulation, that  
23 such persons or entities consent to service by email of the

1 documents described in Sections 10-25 and 10-50 for any  
2 hearings that may arise in connection with such  
3 application, licensure or regulation, provided that the  
4 agency: (i) requires that any person or entity providing  
5 such an email address update that email address if it is  
6 changed; and (ii) annually verifies that email address.

7 (3) At any time either before or after its issuance of  
8 a hearing notice as described in Section 10-25, an agency  
9 may request, but not require, an unrepresented party that  
10 is not subject to paragraph (2) of this subsection (a) to  
11 consent to accept service by email of the documents  
12 described in Sections 10-25 and 10-50 by designating an  
13 email address at which they will accept service.

14 (4) Any person or entity who submits an email address  
15 under this Section shall also be given the option to  
16 designate no more than two secondary email addresses at  
17 which the person or entity consents to accept service,  
18 provided that, if any secondary email address is  
19 designated, an agency must serve the documents to both the  
20 designated primary and secondary email addresses.

21 (b) Notwithstanding any party's consent to accept service  
22 by email, no document described in Section ~~Sections~~ 10-25 or  
23 10-50 may be served by email to the extent the document  
24 contains:

25 (1) a Social Security or individual taxpayer  
26 identification number;

1           (2) a driver's license number, except if such document  
2           is issued by the Secretary of State;

3           (3) a financial account number;

4           (4) a debit or credit card number;

5           (5) any other information that could reasonably be  
6           deemed personal, proprietary, confidential, or trade  
7           secret information; or

8           (6) any information about or concerning a minor.

9           (c) Service by email is deemed complete on the day of  
10          transmission. Agencies that use email to serve documents under  
11          Sections 10-25 and 10-50 shall adopt rules that specify the  
12          standard for confirming delivery, and in failure to confirm  
13          delivery, what steps the agency will take to ensure that  
14          service by email or other means is accomplished.

15          (d) This Section shall not apply with respect to any  
16          service of notice other than under this Act.

17          (Source: P.A. 100-880, eff. 1-1-19; revised 10-10-18.)

18          Section 10. The Illinois Identification Card Act is amended  
19          by changing Section 8 as follows:

20                 (15 ILCS 335/8) (from Ch. 124, par. 28)

21                 Sec. 8. Expiration.

22                 (a) Except as otherwise provided in this Section:

23                         (1) Every identification card issued hereunder, except  
24                         to persons who have reached their 15th birthday, but are

1 not yet 21 years of age, persons who are 65 years of age or  
2 older, and persons who are issued an Illinois Person with a  
3 Disability Identification Card, shall expire 5 years from  
4 the ensuing birthday of the applicant and a renewal shall  
5 expire 5 years thereafter.

6 (2) Every original or renewal identification card  
7 issued to a person who has reached his or her 15th  
8 birthday, but is not yet 21 years of age shall expire 3  
9 months after the person's 21st birthday.

10 (b) Except as provided elsewhere in this Section, every  
11 original, renewal, or duplicate: (i) non-REAL ID  
12 identification card issued to a person who has reached his or  
13 her 65th birthday shall be permanent and need not be renewed;  
14 (ii) REAL ID compliant identification card issued on or after  
15 July 1, 2017, to a person who has reached his or her 65th  
16 birthday shall expire 8 years thereafter; (iii) non-REAL ID  
17 Illinois Person with a Disability Identification Card issued to  
18 a qualifying person shall expire 10 years thereafter; and (iv)  
19 REAL ID compliant Illinois Person with a Disability  
20 Identification Card issued on or after July 1, 2017, shall  
21 expire 8 years thereafter. The Secretary of State shall  
22 promulgate rules setting forth the conditions and criteria for  
23 the renewal of all Illinois Person with a Disability  
24 Identification Cards.

25 (c) Every identification card or Illinois Person with a  
26 Disability Identification Card issued under this Act to an

1 applicant who is not a United States citizen or permanent  
2 resident, other than a conditional permanent resident, ~~shall be~~  
3 ~~marked "Limited Term"~~ and shall expire on whichever is the  
4 earlier date of the following:

5 (1) as provided under subsection (a) or (b) of this  
6 Section;

7 (2) on the date the applicant's authorized stay in the  
8 United States terminates; or

9 (3) if the applicant's authorized stay is indefinite  
10 and the applicant is applying for a Limited Term REAL ID  
11 compliant identification card, one year from the date of  
12 issuance of the card.

13 (d) Every REAL ID compliant identification card or REAL ID  
14 compliant Person with a Disability Identification Card issued  
15 under this Act to an applicant who is not a United States  
16 citizen or permanent resident, other than a conditional  
17 resident, shall be marked "Limited Term".

18 (Source: P.A. 99-305, eff. 1-1-16; 99-511, eff. 1-1-17;  
19 100-248, eff. 8-22-17; 100-827, eff. 8-13-18.)

20 Section 15. The Illinois Vehicle Code is amended by  
21 changing Sections 2-111, 3-704, 6-115, 6-209, 6-500, and  
22 6-508.1 as follows:

23 (625 ILCS 5/2-111) (from Ch. 95 1/2, par. 2-111)

24 Sec. 2-111. Seizure or confiscation of documents and

1 plates.

2 (a) The Secretary of State or any law enforcement entity is  
3 authorized to take possession of any certificate of title,  
4 registration card, permit, license, registration plate,  
5 plates, disability license plate or parking decal or device, or  
6 registration sticker issued by the Secretary ~~him~~ upon  
7 expiration, revocation, cancellation or suspension thereof, or  
8 which is fictitious, or which has been unlawfully or  
9 erroneously issued. Police officers who have ~~reasonable~~  
10 ~~grounds to believe that any item or items listed in this~~  
11 ~~Section should be seized~~ such items shall return the items to  
12 the Secretary of State in a manner and form set forth by the  
13 Secretary in administrative rule to take possession of such  
14 item or items ~~of the items and return them or cause them to be~~  
15 ~~returned to the Secretary of State.~~

16 (b) The Secretary of State is authorized to confiscate any  
17 suspected fraudulent, fictitious, or altered documents  
18 submitted by an applicant in support of an application for a  
19 driver's license or permit.

20 (Source: P.A. 97-743, eff. 1-1-13.)

21 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

22 Sec. 3-704. Authority of Secretary of State to suspend or  
23 revoke a registration or certificate of title; authority to  
24 suspend or revoke the registration of a vehicle.

25 (a) The Secretary of State may suspend or revoke the

1 registration of a vehicle or a certificate of title,  
2 registration card, registration sticker, registration plate,  
3 disability parking decal or device, or any nonresident or other  
4 permit in any of the following events:

5 1. When the Secretary of State is satisfied that such  
6 registration or that such certificate, card, plate,  
7 registration sticker or permit was fraudulently or  
8 erroneously issued;

9 2. When a registered vehicle has been dismantled or  
10 wrecked or is not properly equipped;

11 3. When the Secretary of State determines that any  
12 required fees have not been paid to the Secretary of State,  
13 to the Illinois Commerce Commission, or to the Illinois  
14 Department of Revenue under the Motor Fuel Tax Law, and the  
15 same are not paid upon reasonable notice and demand;

16 4. When a registration card, registration plate,  
17 registration sticker or permit is knowingly displayed upon  
18 a vehicle other than the one for which issued;

19 5. When the Secretary of State determines that the  
20 owner has committed any offense under this Chapter  
21 involving the registration or the certificate, card,  
22 plate, registration sticker or permit to be suspended or  
23 revoked;

24 6. When the Secretary of State determines that a  
25 vehicle registered not-for-hire is used or operated  
26 for-hire unlawfully, or used or operated for purposes other



1 than those authorized;

2 7. When the Secretary of State determines that an owner  
3 of a for-hire motor vehicle has failed to give proof of  
4 financial responsibility as required by this Act;

5 8. When the Secretary determines that the vehicle is  
6 not subject to or eligible for a registration;

7 9. When the Secretary determines that the owner of a  
8 vehicle registered under the mileage weight tax option  
9 fails to maintain the records specified by law, or fails to  
10 file the reports required by law, or that such vehicle is  
11 not equipped with an operable and operating speedometer or  
12 odometer;

13 10. When the Secretary of State is so authorized under  
14 any other provision of law;

15 11. When the Secretary of State determines that the  
16 holder of a disability parking decal or device has  
17 committed any offense under Chapter 11 of this Code  
18 involving the use of a disability parking decal or device.

19 (a-5) The Secretary of State may revoke a certificate of  
20 title and registration card and issue a corrected certificate  
21 of title and registration card, at no fee to the vehicle owner  
22 or lienholder, if there is proof that the vehicle  
23 identification number is erroneously shown on the original  
24 certificate of title.

25 (b) The Secretary of State may suspend or revoke the  
26 registration of a vehicle as follows:

1           1. When the Secretary of State determines that the  
2 owner of a vehicle has not paid a civil penalty or a  
3 settlement agreement arising from the violation of rules  
4 adopted under the Illinois Motor Carrier Safety Law or the  
5 Illinois Hazardous Materials Transportation Act or that a  
6 vehicle, regardless of ownership, was the subject of  
7 violations of these rules that resulted in a civil penalty  
8 or settlement agreement which remains unpaid.

9           2. When the Secretary of State determines that a  
10 vehicle registered for a gross weight of more than 16,000  
11 pounds within an affected area is not in compliance with  
12 the provisions of Section 13-109.1 of the Illinois Vehicle  
13 Code.

14           3. When the Secretary of State is notified by the  
15 United States Department of Transportation that a vehicle  
16 is in violation of the Federal Motor Carrier Safety  
17 Regulations, as they are now or hereafter amended, and is  
18 prohibited from operating.

19           (c) The Secretary of State may suspend the registration of  
20 a vehicle when a court finds that the vehicle was used in a  
21 violation of Section 24-3A of the Criminal Code of 1961 or the  
22 Criminal Code of 2012 relating to gunrunning. A suspension of  
23 registration under this subsection (c) may be for a period of  
24 up to 90 days.

25           (d) The Secretary shall deny, suspend, or revoke  
26 registration if the applicant fails to disclose material

1 information required, if the applicant has made a materially  
2 false statement on the application, if the applicant has  
3 applied as a subterfuge for the real party in interest who has  
4 been issued a federal out-of-service order, or if the  
5 applicant's business is operated by, managed by, or otherwise  
6 controlled by or affiliated with a person who is ineligible for  
7 registration, including the applicant entity, a relative,  
8 family member, corporate officer, or shareholder. The  
9 Secretary shall deny, suspend, or revoke registration for  
10 either (i) a vehicle if the motor carrier responsible for the  
11 safety of the vehicle has been prohibited from operating by the  
12 Federal Motor Carrier Safety Administration; or (ii) a carrier  
13 whose business is operated by, managed by, or otherwise  
14 controlled by or affiliated with a person who is ineligible for  
15 registration, which may include the owner, a relative, family  
16 member, corporate officer, or shareholder of the carrier.

17 (Source: P.A. 97-540, eff. 1-1-12; 97-1150, eff. 1-25-13.)

18 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

19 Sec. 6-115. Expiration of driver's license.

20 (a) Except as provided elsewhere in this Section, every  
21 driver's license issued under the provisions of this Code shall  
22 expire 4 years from the date of its issuance, or at such later  
23 date, as the Secretary of State may by proper rule and  
24 regulation designate, not to exceed 12 calendar months; in the  
25 event that an applicant for renewal of a driver's license fails

1 to apply prior to the expiration date of the previous driver's  
2 license, the renewal driver's license shall expire 4 years from  
3 the expiration date of the previous driver's license, or at  
4 such later date as the Secretary of State may by proper rule  
5 and regulation designate, not to exceed 12 calendar months.

6 The Secretary of State may, however, issue to a person not  
7 previously licensed as a driver in Illinois a driver's license  
8 which will expire not less than 4 years nor more than 5 years  
9 from date of issuance, except as provided elsewhere in this  
10 Section.

11 (a-5) Every driver's license issued under this Code to an  
12 applicant who is not a United States citizen or permanent  
13 resident, other than a conditional permanent resident, shall be  
14 marked "Limited Term" and shall expire on whichever is the  
15 earlier date of the following:

16 (1) as provided under subsection (a), (f), (g), or (i)  
17 of this Section;

18 (2) on the date the applicant's authorized stay in the  
19 United States terminates; or

20 (3) if the applicant's authorized stay is indefinite  
21 and the applicant is applying for a Limited Term REAL ID  
22 compliant driver's license, one year from the date of  
23 issuance of the license.

24 (a-10) Every REAL ID compliant driver's license issued  
25 under this Code to an applicant who is not a United States  
26 citizen or permanent resident, other than a conditional

1 resident, shall be marked "Limited Term".

2 (b) Before the expiration of a driver's license, except  
3 those licenses expiring on the individual's 21st birthday, or 3  
4 months after the individual's 21st birthday, the holder thereof  
5 may apply for a renewal thereof, subject to all the provisions  
6 of Section 6-103, and the Secretary of State may require an  
7 examination of the applicant. A licensee whose driver's license  
8 expires on his 21st birthday, or 3 months after his 21st  
9 birthday, may not apply for a renewal of his driving privileges  
10 until he reaches the age of 21.

11 (c) The Secretary of State shall, 30 days prior to the  
12 expiration of a driver's license, forward to each person whose  
13 license is to expire a notification of the expiration of said  
14 license which may be presented at the time of renewal of said  
15 license.

16 There may be included with such notification information  
17 explaining the anatomical gift and Emergency Medical  
18 Information Card provisions of Section 6-110. The format and  
19 text of such information shall be prescribed by the Secretary.

20 There shall be included with such notification, for a  
21 period of 4 years beginning January 1, 2000 information  
22 regarding the Illinois Adoption Registry and Medical  
23 Information Exchange established in Section 18.1 of the  
24 Adoption Act.

25 (d) The Secretary may defer the expiration of the driver's  
26 license of a licensee, spouse, and dependent children who are

1 living with such licensee while on active duty, serving in the  
2 Armed Forces of the United States outside of the State of  
3 Illinois, and 120 days thereafter, upon such terms and  
4 conditions as the Secretary may prescribe.

5 (d-5) The Secretary may defer the expiration of the  
6 driver's license of a licensee, or of a spouse or dependent  
7 children living with the licensee, serving as a civilian  
8 employee of the United States Armed Forces or the United States  
9 Department of Defense, outside of the State of Illinois, and  
10 120 days thereafter, upon such terms and conditions as the  
11 Secretary may prescribe.

12 (e) The Secretary of State may decline to process a renewal  
13 of a driver's license of any person who has not paid any fee or  
14 tax due under this Code and is not paid upon reasonable notice  
15 and demand.

16 (f) The Secretary shall provide that each original or  
17 renewal driver's license issued to a licensee under 21 years of  
18 age shall expire 3 months after the licensee's 21st birthday.  
19 Persons whose current driver's licenses expire on their 21st  
20 birthday on or after January 1, 1986 shall not renew their  
21 driver's license before their 21st birthday, and their current  
22 driver's license will be extended for an additional term of 3  
23 months beyond their 21st birthday. Thereafter, the expiration  
24 and term of the driver's license shall be governed by  
25 subsection (a) hereof.

26 (g) The Secretary shall provide that each original or

1 renewal driver's license issued to a licensee 81 years of age  
2 through age 86 shall expire 2 years from the date of issuance,  
3 or at such later date as the Secretary may by rule and  
4 regulation designate, not to exceed an additional 12 calendar  
5 months. The Secretary shall also provide that each original or  
6 renewal driver's license issued to a licensee 87 years of age  
7 or older shall expire 12 months from the date of issuance, or  
8 at such later date as the Secretary may by rule and regulation  
9 designate, not to exceed an additional 12 calendar months.

10 (h) The Secretary of State shall provide that each special  
11 restricted driver's license issued under subsection (g) of  
12 Section 6-113 of this Code shall expire 12 months from the date  
13 of issuance. The Secretary shall adopt rules defining renewal  
14 requirements.

15 (i) The Secretary of State shall provide that each driver's  
16 license issued to a person convicted of a sex offense as  
17 defined in Section 2 of the Sex Offender Registration Act shall  
18 expire 12 months from the date of issuance or at such date as  
19 the Secretary may by rule designate, not to exceed an  
20 additional 12 calendar months. The Secretary may adopt rules  
21 defining renewal requirements.

22 (Source: P.A. 99-118, eff. 1-1-16; 99-305, eff. 1-1-16; 99-642,  
23 eff. 7-28-16; 100-248, eff. 8-22-17; 100-863, eff. 8-14-18.)

24 (625 ILCS 5/6-209) (from Ch. 95 1/2, par. 6-209)

25 Sec. 6-209. Notice of Cancellation, Suspension or

1 Revocation - Surrender and Return of License. The Secretary of  
2 State upon cancelling, suspending or revoking a license or  
3 permit shall immediately notify the holder thereof in writing  
4 and shall require that such license or permit shall be  
5 surrendered to ~~and retained by~~ the Secretary of State. However,  
6 upon payment of the reinstatement fee set out in subsection (g)  
7 of Section 6-118 at the end of any period of suspension of a  
8 license the licensee, if not ineligible for some other reason,  
9 shall be entitled to reinstatement of driving privileges and  
10 may apply for a duplicate driver's ~~the return of his~~ license if  
11 it has not then expired; or, in case it has expired, to apply  
12 for a new license.

13 (Source: P.A. 81-462.)

14 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

15 Sec. 6-500. Definitions of words and phrases.  
16 Notwithstanding the definitions set forth elsewhere in this  
17 Code, for purposes of the Uniform Commercial Driver's License  
18 Act (UCDLA), the words and phrases listed below have the  
19 meanings ascribed to them as follows:

20 (1) Alcohol. "Alcohol" means any substance containing any  
21 form of alcohol, including but not limited to ethanol,  
22 methanol, propanol, and isopropanol.

23 (2) Alcohol concentration. "Alcohol concentration" means:

24 (A) the number of grams of alcohol per 210 liters of  
25 breath; or



1 (B) the number of grams of alcohol per 100 milliliters  
2 of blood; or

3 (C) the number of grams of alcohol per 67 milliliters  
4 of urine.

5 Alcohol tests administered within 2 hours of the driver  
6 being "stopped or detained" shall be considered that driver's  
7 "alcohol concentration" for the purposes of enforcing this  
8 UCDLA.

9 (3) (Blank).

10 (4) (Blank).

11 (5) (Blank).

12 (5.3) CDLIS driver record. "CDLIS driver record" means the  
13 electronic record of the individual CDL driver's status and  
14 history stored by the State-of-Record as part of the Commercial  
15 Driver's License Information System, or CDLIS, established  
16 under 49 U.S.C. 31309.

17 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle  
18 record" or "CDLIS MVR" means a report generated from the CDLIS  
19 driver record meeting the requirements for access to CDLIS  
20 information and provided by states to users authorized in 49  
21 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the  
22 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

23 (5.7) Commercial driver's license downgrade. "Commercial  
24 driver's license downgrade" or "CDL downgrade" means either:

25 (A) a state allows the driver to change his or her  
26 self-certification to interstate, but operating

1 exclusively in transportation or operation excepted from  
2 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),  
3 391.2, 391.68, or 398.3;

4 (B) a state allows the driver to change his or her  
5 self-certification to intrastate only, if the driver  
6 qualifies under that state's physical qualification  
7 requirements for intrastate only;

8 (C) a state allows the driver to change his or her  
9 certification to intrastate, but operating exclusively in  
10 transportation or operations excepted from all or part of  
11 the state driver qualification requirements; or

12 (D) a state removes the CDL privilege from the driver  
13 license.

14 (6) Commercial Motor Vehicle.

15 (A) "Commercial motor vehicle" or "CMV" means a motor  
16 vehicle or combination of motor vehicles used in commerce,  
17 except those referred to in subdivision (B), designed to  
18 transport passengers or property if the motor vehicle:

19 (i) has a gross combination weight rating or gross  
20 combination weight of 11,794 kilograms or more (26,001  
21 pounds or more), whichever is greater, inclusive of any  
22 towed unit with a gross vehicle weight rating or gross  
23 vehicle weight of more than 4,536 kilograms (10,000  
24 pounds), whichever is greater; or

25 (i-5) has a gross vehicle weight rating or gross  
26 vehicle weight of 11,794 or more kilograms (26,001

1 pounds or more), whichever is greater; or

2 (ii) is designed to transport 16 or more persons,  
3 including the driver; or

4 (iii) is of any size and is used in transporting  
5 hazardous materials as defined in 49 C.F.R. 383.5.

6 (B) Pursuant to the interpretation of the Commercial  
7 Motor Vehicle Safety Act of 1986 by the Federal Highway  
8 Administration, the definition of "commercial motor  
9 vehicle" does not include:

10 (i) recreational vehicles, when operated primarily  
11 for personal use;

12 (ii) vehicles owned by or operated under the  
13 direction of the United States Department of Defense or  
14 the United States Coast Guard only when operated by  
15 non-civilian personnel. This includes any operator on  
16 active military duty; members of the Reserves;  
17 National Guard; personnel on part-time training; and  
18 National Guard military technicians (civilians who are  
19 required to wear military uniforms and are subject to  
20 the Code of Military Justice); or

21 (iii) firefighting, police, and other emergency  
22 equipment (including, without limitation, equipment  
23 owned or operated by a HazMat or technical rescue team  
24 authorized by a county board under Section 5-1127 of  
25 the Counties Code), with audible and visual signals,  
26 owned or operated by or for a governmental entity,

1           which is necessary to the preservation of life or  
2           property or the execution of emergency governmental  
3           functions which are normally not subject to general  
4           traffic rules and regulations.

5           (7) Controlled Substance. "Controlled substance" shall  
6           have the same meaning as defined in Section 102 of the Illinois  
7           Controlled Substances Act, and shall also include cannabis as  
8           defined in Section 3 of the Cannabis Control Act and  
9           methamphetamine as defined in Section 10 of the Methamphetamine  
10          Control and Community Protection Act.

11          (8) Conviction. "Conviction" means an unvacated  
12          adjudication of guilt or a determination that a person has  
13          violated or failed to comply with the law in a court of  
14          original jurisdiction or by an authorized administrative  
15          tribunal; an unvacated forfeiture of bail or collateral  
16          deposited to secure the person's appearance in court; a plea of  
17          guilty or nolo contendere accepted by the court; the payment of  
18          a fine or court cost regardless of whether the imposition of  
19          sentence is deferred and ultimately a judgment dismissing the  
20          underlying charge is entered; or a violation of a condition of  
21          release without bail, regardless of whether or not the penalty  
22          is rebated, suspended or probated.

23          (8.5) Day. "Day" means calendar day.

24          (9) (Blank).

25          (10) (Blank).

26          (11) (Blank).

1 (12) (Blank).

2 (13) Driver. "Driver" means any person who drives,  
3 operates, or is in physical control of a commercial motor  
4 vehicle, any person who is required to hold a CDL, or any  
5 person who is a holder of a CDL while operating a  
6 non-commercial motor vehicle.

7 (13.5) Driver applicant. "Driver applicant" means an  
8 individual who applies to a state or other jurisdiction to  
9 obtain, transfer, upgrade, or renew a CDL or to obtain or renew  
10 a CLP.

11 (13.8) Electronic device. "Electronic device" includes,  
12 but is not limited to, a cellular telephone, personal digital  
13 assistant, pager, computer, or any other device used to input,  
14 write, send, receive, or read text.

15 (14) Employee. "Employee" means a person who is employed as  
16 a commercial motor vehicle driver. A person who is  
17 self-employed as a commercial motor vehicle driver must comply  
18 with the requirements of this UCDLA pertaining to employees. An  
19 owner-operator on a long-term lease shall be considered an  
20 employee.

21 (15) Employer. "Employer" means a person (including the  
22 United States, a State or a local authority) who owns or leases  
23 a commercial motor vehicle or assigns employees to operate such  
24 a vehicle. A person who is self-employed as a commercial motor  
25 vehicle driver must comply with the requirements of this UCDLA.

26 (15.1) Endorsement. "Endorsement" means an authorization

1 to an individual's CLP or CDL required to permit the individual  
2 to operate certain types of commercial motor vehicles.

3 (15.3) Excepted interstate. "Excepted interstate" means a  
4 person who operates or expects to operate in interstate  
5 commerce, but engages exclusively in transportation or  
6 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or  
7 398.3 from all or part of the qualification requirements of 49  
8 C.F.R. Part 391 and is not required to obtain a medical  
9 examiner's certificate by 49 C.F.R. 391.45.

10 (15.5) Excepted intrastate. "Excepted intrastate" means a  
11 person who operates in intrastate commerce but engages  
12 exclusively in transportation or operations excepted from all  
13 or parts of the state driver qualification requirements.

14 (16) (Blank).

15 (16.5) Fatality. "Fatality" means the death of a person as  
16 a result of a motor vehicle accident.

17 (16.7) Foreign commercial driver. "Foreign commercial  
18 driver" means a person licensed to operate a commercial motor  
19 vehicle by an authority outside the United States, or a citizen  
20 of a foreign country who operates a commercial motor vehicle in  
21 the United States.

22 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
23 sovereign jurisdiction that does not fall within the definition  
24 of "State".

25 (18) (Blank).

26 (19) (Blank).

1           (20) Hazardous materials. "Hazardous Material" means any  
2 material that has been designated under 49 U.S.C. 5103 and is  
3 required to be placarded under subpart F of 49 C.F.R. part 172  
4 or any quantity of a material listed as a select agent or toxin  
5 in 42 C.F.R. part 73.

6           (20.5) Imminent Hazard. "Imminent hazard" means the  
7 existence of any condition of a vehicle, employee, or  
8 commercial motor vehicle operations that substantially  
9 increases the likelihood of serious injury or death if not  
10 discontinued immediately; or a condition relating to hazardous  
11 material that presents a substantial likelihood that death,  
12 serious illness, severe personal injury, or a substantial  
13 endangerment to health, property, or the environment may occur  
14 before the reasonably foreseeable completion date of a formal  
15 proceeding begun to lessen the risk of that death, illness,  
16 injury or endangerment.

17           (20.6) Issuance. "Issuance" means initial issuance,  
18 transfer, renewal, or upgrade of a CLP or CDL and non-domiciled  
19 CLP or CDL.

20           (20.7) Issue. "Issue" means initial issuance, transfer,  
21 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or  
22 non-domiciled CDL.

23           (21) Long-term lease. "Long-term lease" means a lease of a  
24 commercial motor vehicle by the owner-lessor to a lessee, for a  
25 period of more than 29 days.

26           (21.01) Manual transmission. "Manual transmission" means a

1 transmission utilizing a driver-operated clutch that is  
2 activated by a pedal or lever and a gear-shift mechanism  
3 operated either by hand or foot including those known as a  
4 stick shift, stick, straight drive, or standard transmission.  
5 All other transmissions, whether semi-automatic or automatic,  
6 shall be considered automatic for the purposes of the  
7 standardized restriction code.

8 (21.1) Medical examiner. "Medical examiner" means an  
9 individual certified by the Federal Motor Carrier Safety  
10 Administration and listed on the National Registry of Certified  
11 Medical Examiners in accordance with Federal Motor Carrier  
12 Safety Regulations, 49 CFR 390.101 et seq.

13 (21.2) Medical examiner's certificate. "Medical examiner's  
14 certificate" means either (1) prior to June 22, 2021 ~~2018~~, a  
15 document prescribed or approved by the Secretary of State that  
16 is issued by a medical examiner to a driver to medically  
17 qualify him or her to drive; or (2) beginning June 22, 2021  
18 ~~2018~~, an electronic submission of results of an examination  
19 conducted by a medical examiner listed on the National Registry  
20 of Certified Medical Examiners to the Federal Motor Carrier  
21 Safety Administration of a driver to medically qualify him or  
22 her to drive.

23 (21.5) Medical variance. "Medical variance" means a driver  
24 has received one of the following from the Federal Motor  
25 Carrier Safety Administration which allows the driver to be  
26 issued a medical certificate: (1) an exemption letter



1 permitting operation of a commercial motor vehicle pursuant to  
2 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a  
3 skill performance evaluation (SPE) certificate permitting  
4 operation of a commercial motor vehicle pursuant to 49 C.F.R.  
5 391.49.

6 (21.7) Mobile telephone. "Mobile telephone" means a mobile  
7 communication device that falls under or uses any commercial  
8 mobile radio service, as defined in regulations of the Federal  
9 Communications Commission, 47 CFR 20.3. It does not include  
10 two-way or citizens band radio services.

11 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
12 which is self-propelled, and every vehicle which is propelled  
13 by electric power obtained from over head trolley wires but not  
14 operated upon rails, except vehicles moved solely by human  
15 power and motorized wheel chairs.

16 (22.2) Motor vehicle record. "Motor vehicle record" means a  
17 report of the driving status and history of a driver generated  
18 from the driver record provided to users, such as drivers or  
19 employers, and is subject to the provisions of the Driver  
20 Privacy Protection Act, 18 U.S.C. 2721-2725.

21 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
22 combination of motor vehicles not defined by the term  
23 "commercial motor vehicle" or "CMV" in this Section.

24 (22.7) Non-excepted interstate. "Non-excepted interstate"  
25 means a person who operates or expects to operate in interstate  
26 commerce, is subject to and meets the qualification

1 requirements under 49 C.F.R. Part 391, and is required to  
2 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

3 (22.8) Non-excepted intrastate. "Non-excepted intrastate"  
4 means a person who operates only in intrastate commerce and is  
5 subject to State driver qualification requirements.

6 (23) Non-domiciled CLP or Non-domiciled CDL.  
7 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,  
8 respectively, issued by a state or other jurisdiction under  
9 either of the following two conditions:

10 (i) to an individual domiciled in a foreign country  
11 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.  
12 of the Federal Motor Carrier Safety Administration.

13 (ii) to an individual domiciled in another state  
14 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.  
15 of the Federal Motor Carrier Safety Administration.

16 (24) (Blank).

17 (25) (Blank).

18 (25.5) Railroad-Highway Grade Crossing Violation.  
19 "Railroad-highway grade crossing violation" means a violation,  
20 while operating a commercial motor vehicle, of any of the  
21 following:

22 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

23 (B) Any other similar law or local ordinance of any  
24 state relating to railroad-highway grade crossing.

25 (25.7) School Bus. "School bus" means a commercial motor  
26 vehicle used to transport pre-primary, primary, or secondary

1 school students from home to school, from school to home, or to  
2 and from school-sponsored events. "School bus" does not include  
3 a bus used as a common carrier.

4 (26) Serious Traffic Violation. "Serious traffic  
5 violation" means:

6 (A) a conviction when operating a commercial motor  
7 vehicle, or when operating a non-CMV while holding a CLP or  
8 CDL, of:

9 (i) a violation relating to excessive speeding,  
10 involving a single speeding charge of 15 miles per hour  
11 or more above the legal speed limit; or

12 (ii) a violation relating to reckless driving; or

13 (iii) a violation of any State law or local  
14 ordinance relating to motor vehicle traffic control  
15 (other than parking violations) arising in connection  
16 with a fatal traffic accident; or

17 (iv) a violation of Section 6-501, relating to  
18 having multiple driver's licenses; or

19 (v) a violation of paragraph (a) of Section 6-507,  
20 relating to the requirement to have a valid CLP or CDL;  
21 or

22 (vi) a violation relating to improper or erratic  
23 traffic lane changes; or

24 (vii) a violation relating to following another  
25 vehicle too closely; or

26 (viii) a violation relating to texting while

1 driving; or

2 (ix) a violation relating to the use of a hand-held  
3 mobile telephone while driving; or

4 (B) any other similar violation of a law or local  
5 ordinance of any state relating to motor vehicle traffic  
6 control, other than a parking violation, which the  
7 Secretary of State determines by administrative rule to be  
8 serious.

9 (27) State. "State" means a state of the United States, the  
10 District of Columbia and any province or territory of Canada.

11 (28) (Blank).

12 (29) (Blank).

13 (30) (Blank).

14 (31) (Blank).

15 (32) Texting. "Texting" means manually entering  
16 alphanumeric text into, or reading text from, an electronic  
17 device.

18 (1) Texting includes, but is not limited to, short  
19 message service, emailing, instant messaging, a command or  
20 request to access a World Wide Web page, pressing more than  
21 a single button to initiate or terminate a voice  
22 communication using a mobile telephone, or engaging in any  
23 other form of electronic text retrieval or entry for  
24 present or future communication.

25 (2) Texting does not include:

26 (i) inputting, selecting, or reading information

1 on a global positioning system or navigation system; or  
2 (ii) pressing a single button to initiate or  
3 terminate a voice communication using a mobile  
4 telephone; or

5 (iii) using a device capable of performing  
6 multiple functions (for example, a fleet management  
7 system, dispatching device, smart phone, citizens band  
8 radio, or music player) for a purpose that is not  
9 otherwise prohibited by Part 392 of the Federal Motor  
10 Carrier Safety Regulations.

11 (32.3) Third party skills test examiner. "Third party  
12 skills test examiner" means a person employed by a third party  
13 tester who is authorized by the State to administer the CDL  
14 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

15 (32.5) Third party tester. "Third party tester" means a  
16 person (including, but not limited to, another state, a motor  
17 carrier, a private driver training facility or other private  
18 institution, or a department, agency, or instrumentality of a  
19 local government) authorized by the State to employ skills test  
20 examiners to administer the CDL skills tests specified in 49  
21 C.F.R. Part 383, subparts G and H.

22 (32.7) United States. "United States" means the 50 states  
23 and the District of Columbia.

24 (33) Use a hand-held mobile telephone. "Use a hand-held  
25 mobile telephone" means:

26 (1) using at least one hand to hold a mobile telephone

1 to conduct a voice communication;

2 (2) dialing or answering a mobile telephone by pressing  
3 more than a single button; or

4 (3) reaching for a mobile telephone in a manner that  
5 requires a driver to maneuver so that he or she is no  
6 longer in a seated driving position, restrained by a seat  
7 belt that is installed in accordance with 49 CFR 393.93 and  
8 adjusted in accordance with the vehicle manufacturer's  
9 instructions.

10 (Source: P.A. 99-57, eff. 7-16-15; 100-223, eff. 8-18-17.)

11 (625 ILCS 5/6-508.1)

12 Sec. 6-508.1. Medical examiner's certificate.

13 (a) It shall be unlawful for any person to drive a CMV in  
14 non-excepted interstate commerce unless the person holds a CLP  
15 or CDL and is medically certified as physically qualified to do  
16 so.

17 (b) No person who has certified to non-excepted interstate  
18 driving as provided in Sections 6-507.5 and 6-508 of this Code  
19 shall be issued a CLP or CDL unless that person has a current  
20 medical examiner's certificate on the CDLIS driver record.

21 (c) (Blank).

22 (d) On and after January 30, 2014, all persons who hold a  
23 commercial driver instruction permit or CDL who have certified  
24 as non-excepted interstate shall maintain a current medical  
25 examiner's certificate on file with the Secretary. On and after

1 July 1, 2014, all persons issued a CLP who have certified as  
2 non-excepted interstate shall maintain a current medical  
3 examiner's certificate on file with the Secretary.

4 (e) Before June 22, 2021 ~~2018~~, the Secretary shall post the  
5 following to the CDLIS driver record within 10 calendar days of  
6 receipt of a medical examiner's certificate of a driver who has  
7 certified as non-excepted interstate:

8 (1) the medical examiner's name;

9 (2) the medical examiner's telephone number;

10 (3) the date of issuance of the medical examiner's  
11 certificate;

12 (4) the medical examiner's license number and the state  
13 that issued it;

14 (5) the medical certification status;

15 (6) the expiration date of the medical examiner's  
16 certificate;

17 (7) the existence of any medical variance on the  
18 medical examiner's certificate, including, but not limited  
19 to, an exemption, Skills Performance Evaluation  
20 certification, issuance and expiration date of the medical  
21 variance, or any grandfather provisions;

22 (8) any restrictions noted on the medical examiner's  
23 certificate;

24 (9) the date the medical examiner's certificate  
25 information was posted to the CDLIS driver record; and

26 (10) the medical examiner's National Registry of

1 Certified Medical Examiners identification number.

2 (e-5) Beginning June 22, 2018, the Secretary shall post the  
3 following to the CDLIS driver record within one business day of  
4 electronic receipt from the Federal Motor Carrier Safety  
5 Administration of a driver's identification, examination  
6 results, restriction information, and medical variance  
7 information resulting from an examination performed by a  
8 medical examiner on the National Registry of Certified Medical  
9 Examiners for any driver who has certified as non-excepted  
10 interstate:

11 (1) the medical examiner's name;

12 (2) the medical examiner's telephone number;

13 (3) the date of issuance of the medical examiner's  
14 certificate;

15 (4) the medical examiner's license number and the state  
16 that issued it;

17 (5) the medical certification status;

18 (6) the expiration date of the medical examiner's  
19 certificate;

20 (7) the existence of any medical variance on the  
21 medical examiner's certificate, including, but not limited  
22 to, an exemption, Skills Performance Evaluation  
23 certification, issue and expiration date of a medical  
24 variance, or any grandfather provisions;

25 (8) any restrictions noted on the medical examiner's  
26 certificate;



1           (9) the date the medical examiner's certificate  
2 information was posted to the CDLIS driver record; and

3           (10) the medical examiner's National Registry of  
4 Certified Medical Examiners identification number.

5           (f) Within 10 calendar days of the expiration or rescission  
6 of the driver's medical examiner's certificate or medical  
7 variance or both, the Secretary shall update the medical  
8 certification status to "not certified".

9           (g) Within 10 calendar days of receipt of information from  
10 the Federal Motor Carrier Safety Administration regarding  
11 issuance or renewal of a medical variance, the Secretary shall  
12 update the CDLIS driver record to include the medical variance  
13 information provided by the Federal Motor Carrier Safety  
14 Administration.

15           (g-5) Beginning June 22, 2018, within one business day of  
16 electronic receipt of information from the Federal Motor  
17 Carrier Safety Administration regarding issuance or renewal of  
18 a medical variance, the Secretary shall update the CDLIS driver  
19 record to include the medical variance information provided by  
20 the Federal Motor Carrier Safety Administration.

21           (h) The Secretary shall notify the driver of his or her  
22 non-certified status and that his or her CDL will be canceled  
23 unless the driver submits a current medical examiner's  
24 certificate or medical variance or changes his or her  
25 self-certification to driving only in excepted or intrastate  
26 commerce.

1           (i) Within 60 calendar days of a driver's medical  
2 certification status becoming non-certified, the Secretary  
3 shall cancel the CDL.

4           (j) As required under the Code of Federal Regulations 49  
5 CFR 390.39, an operator of a covered farm vehicle, as defined  
6 under Section 18b-101 of this Code, is exempt from the  
7 requirements of this Section.

8           (k) For purposes of ensuring a person is medically fit to  
9 drive a commercial motor vehicle, the Secretary may release  
10 medical information provided by an applicant or a holder of a  
11 CDL or CLP to the Federal Motor Carrier Safety Administration.  
12 Medical information includes, but is not limited to, a medical  
13 examiner's certificate, a medical report that the Secretary  
14 requires to be submitted, statements regarding medical  
15 conditions made by an applicant or a holder of a CDL or CLP, or  
16 statements made by his or her physician.

17           (Source: P.A. 99-57, eff. 7-16-15; 99-607, eff. 7-22-16;  
18 100-223, eff. 8-18-17.)

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