



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4835

Introduced 2/18/2020, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

See Index

Amends the Freedom of Information Act, the State Employee Indemnification Act, the Illinois Identification Card Act, the Department of Transportation Law of the Civil Administrative Code of Illinois, the Peace Officer Fire Investigation Act, the Illinois Police Training Act, the Uniform Crime Reporting Act, the Police and Community Relations Improvement Act, the Counties Code, the Illinois Municipal Code, the Illinois Insurance Code, the Child Care Act of 1969, the Liquor Control Act of 1934, the Suicide Prevention, Education, and Treatment Act, the Compassionate Use of Medical Cannabis Program Act, the Alternate Fuels Act, the Burn Injury Reporting Act, the Illinois Public Health and Safety Animal Population Control Act, the Illinois Highway Code, the Toll Highway Act, the Roadside Memorial Act, the Illinois Vehicle Code, the Child Passenger Protection Act, the Renter's Financial Responsibility and Protection Act, the Transportation Network Providers Act, the Criminal Code of 2012, the Code of Criminal Procedure of 1963, the Rights of Crime Victims and Witnesses Act, the Unified Code of Corrections, the Cannabis and Controlled Substances Tort Claims Act, the Crime Victims Compensation Act, and the Automotive Collision Repair Act. Replaces the term "accident", in relation to automobiles, motor vehicles, and traffic accidents, with the term "crash". Effective immediately.

LRB101 16195 LNS 65567 b

1 AN ACT concerning transportation.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public
9 record that contains information that is exempt from disclosure
10 under this Section, but also contains information that is not
11 exempt from disclosure, the public body may elect to redact the
12 information that is exempt. The public body shall make the
13 remaining information available for inspection and copying.
14 Subject to this requirement, the following shall be exempt from
15 inspection and copying:

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and regulations
18 implementing federal or State law.

19 (b) Private information, unless disclosure is required
20 by another provision of this Act, a State or federal law or
21 a court order.

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or more
2 law enforcement agencies regarding the physical or mental
3 status of one or more individual subjects.

4 (c) Personal information contained within public
5 records, the disclosure of which would constitute a clearly
6 unwarranted invasion of personal privacy, unless the
7 disclosure is consented to in writing by the individual
8 subjects of the information. "Unwarranted invasion of
9 personal privacy" means the disclosure of information that
10 is highly personal or objectionable to a reasonable person
11 and in which the subject's right to privacy outweighs any
12 legitimate public interest in obtaining the information.
13 The disclosure of information that bears on the public
14 duties of public employees and officials shall not be
15 considered an invasion of personal privacy.

16 (d) Records in the possession of any public body
17 created in the course of administrative enforcement
18 proceedings, and any law enforcement or correctional
19 agency for law enforcement purposes, but only to the extent
20 that disclosure would:

21 (i) interfere with pending or actually and
22 reasonably contemplated law enforcement proceedings
23 conducted by any law enforcement or correctional
24 agency that is the recipient of the request;

25 (ii) interfere with active administrative
26 enforcement proceedings conducted by the public body

1 that is the recipient of the request;

2 (iii) create a substantial likelihood that a
3 person will be deprived of a fair trial or an impartial
4 hearing;

5 (iv) unavoidably disclose the identity of a
6 confidential source, confidential information
7 furnished only by the confidential source, or persons
8 who file complaints with or provide information to
9 administrative, investigative, law enforcement, or
10 penal agencies; except that the identities of
11 witnesses to traffic crashes ~~accidents~~, traffic crash
12 ~~accident~~ reports, and rescue reports shall be provided
13 by agencies of local government, except when
14 disclosure would interfere with an active criminal
15 investigation conducted by the agency that is the
16 recipient of the request;

17 (v) disclose unique or specialized investigative
18 techniques other than those generally used and known or
19 disclose internal documents of correctional agencies
20 related to detection, observation or investigation of
21 incidents of crime or misconduct, and disclosure would
22 result in demonstrable harm to the agency or public
23 body that is the recipient of the request;

24 (vi) endanger the life or physical safety of law
25 enforcement personnel or any other person; or

26 (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

2 (d-5) A law enforcement record created for law
3 enforcement purposes and contained in a shared electronic
4 record management system if the law enforcement agency that
5 is the recipient of the request did not create the record,
6 did not participate in or have a role in any of the events
7 which are the subject of the record, and only has access to
8 the record through the shared electronic record management
9 system.

10 (e) Records that relate to or affect the security of
11 correctional institutions and detention facilities.

12 (e-5) Records requested by persons committed to the
13 Department of Corrections, Department of Human Services
14 Division of Mental Health, or a county jail if those
15 materials are available in the library of the correctional
16 institution or facility or jail where the inmate is
17 confined.

18 (e-6) Records requested by persons committed to the
19 Department of Corrections, Department of Human Services
20 Division of Mental Health, or a county jail if those
21 materials include records from staff members' personnel
22 files, staff rosters, or other staffing assignment
23 information.

24 (e-7) Records requested by persons committed to the
25 Department of Corrections or Department of Human Services
26 Division of Mental Health if those materials are available

1 through an administrative request to the Department of
2 Corrections or Department of Human Services Division of
3 Mental Health.

4 (e-8) Records requested by a person committed to the
5 Department of Corrections, Department of Human Services
6 Division of Mental Health, or a county jail, the disclosure
7 of which would result in the risk of harm to any person or
8 the risk of an escape from a jail or correctional
9 institution or facility.

10 (e-9) Records requested by a person in a county jail or
11 committed to the Department of Corrections or Department of
12 Human Services Division of Mental Health, containing
13 personal information pertaining to the person's victim or
14 the victim's family, including, but not limited to, a
15 victim's home address, home telephone number, work or
16 school address, work telephone number, social security
17 number, or any other identifying information, except as may
18 be relevant to a requester's current or potential case or
19 claim.

20 (e-10) Law enforcement records of other persons
21 requested by a person committed to the Department of
22 Corrections, Department of Human Services Division of
23 Mental Health, or a county jail, including, but not limited
24 to, arrest and booking records, mug shots, and crime scene
25 photographs, except as these records may be relevant to the
26 requester's current or potential case or claim.

1 (f) Preliminary drafts, notes, recommendations,
2 memoranda and other records in which opinions are
3 expressed, or policies or actions are formulated, except
4 that a specific record or relevant portion of a record
5 shall not be exempt when the record is publicly cited and
6 identified by the head of the public body. The exemption
7 provided in this paragraph (f) extends to all those records
8 of officers and agencies of the General Assembly that
9 pertain to the preparation of legislative documents.

10 (g) Trade secrets and commercial or financial
11 information obtained from a person or business where the
12 trade secrets or commercial or financial information are
13 furnished under a claim that they are proprietary,
14 privileged, or confidential, and that disclosure of the
15 trade secrets or commercial or financial information would
16 cause competitive harm to the person or business, and only
17 insofar as the claim directly applies to the records
18 requested.

19 The information included under this exemption includes
20 all trade secrets and commercial or financial information
21 obtained by a public body, including a public pension fund,
22 from a private equity fund or a privately held company
23 within the investment portfolio of a private equity fund as
24 a result of either investing or evaluating a potential
25 investment of public funds in a private equity fund. The
26 exemption contained in this item does not apply to the

1 aggregate financial performance information of a private
2 equity fund, nor to the identity of the fund's managers or
3 general partners. The exemption contained in this item does
4 not apply to the identity of a privately held company
5 within the investment portfolio of a private equity fund,
6 unless the disclosure of the identity of a privately held
7 company may cause competitive harm.

8 Nothing contained in this paragraph (g) shall be
9 construed to prevent a person or business from consenting
10 to disclosure.

11 (h) Proposals and bids for any contract, grant, or
12 agreement, including information which if it were
13 disclosed would frustrate procurement or give an advantage
14 to any person proposing to enter into a contractor
15 agreement with the body, until an award or final selection
16 is made. Information prepared by or for the body in
17 preparation of a bid solicitation shall be exempt until an
18 award or final selection is made.

19 (i) Valuable formulae, computer geographic systems,
20 designs, drawings and research data obtained or produced by
21 any public body when disclosure could reasonably be
22 expected to produce private gain or public loss. The
23 exemption for "computer geographic systems" provided in
24 this paragraph (i) does not extend to requests made by news
25 media as defined in Section 2 of this Act when the
26 requested information is not otherwise exempt and the only

1 purpose of the request is to access and disseminate
2 information regarding the health, safety, welfare, or
3 legal rights of the general public.

4 (j) The following information pertaining to
5 educational matters:

6 (i) test questions, scoring keys and other
7 examination data used to administer an academic
8 examination;

9 (ii) information received by a primary or
10 secondary school, college, or university under its
11 procedures for the evaluation of faculty members by
12 their academic peers;

13 (iii) information concerning a school or
14 university's adjudication of student disciplinary
15 cases, but only to the extent that disclosure would
16 unavoidably reveal the identity of the student; and

17 (iv) course materials or research materials used
18 by faculty members.

19 (k) Architects' plans, engineers' technical
20 submissions, and other construction related technical
21 documents for projects not constructed or developed in
22 whole or in part with public funds and the same for
23 projects constructed or developed with public funds,
24 including, but not limited to, power generating and
25 distribution stations and other transmission and
26 distribution facilities, water treatment facilities,

1 airport facilities, sport stadiums, convention centers,
2 and all government owned, operated, or occupied buildings,
3 but only to the extent that disclosure would compromise
4 security.

5 (l) Minutes of meetings of public bodies closed to the
6 public as provided in the Open Meetings Act until the
7 public body makes the minutes available to the public under
8 Section 2.06 of the Open Meetings Act.

9 (m) Communications between a public body and an
10 attorney or auditor representing the public body that would
11 not be subject to discovery in litigation, and materials
12 prepared or compiled by or for a public body in
13 anticipation of a criminal, civil, or administrative
14 proceeding upon the request of an attorney advising the
15 public body, and materials prepared or compiled with
16 respect to internal audits of public bodies.

17 (n) Records relating to a public body's adjudication of
18 employee grievances or disciplinary cases; however, this
19 exemption shall not extend to the final outcome of cases in
20 which discipline is imposed.

21 (o) Administrative or technical information associated
22 with automated data processing operations, including, but
23 not limited to, software, operating protocols, computer
24 program abstracts, file layouts, source listings, object
25 modules, load modules, user guides, documentation
26 pertaining to all logical and physical design of

1 computerized systems, employee manuals, and any other
2 information that, if disclosed, would jeopardize the
3 security of the system or its data or the security of
4 materials exempt under this Section.

5 (p) Records relating to collective negotiating matters
6 between public bodies and their employees or
7 representatives, except that any final contract or
8 agreement shall be subject to inspection and copying.

9 (q) Test questions, scoring keys, and other
10 examination data used to determine the qualifications of an
11 applicant for a license or employment.

12 (r) The records, documents, and information relating
13 to real estate purchase negotiations until those
14 negotiations have been completed or otherwise terminated.
15 With regard to a parcel involved in a pending or actually
16 and reasonably contemplated eminent domain proceeding
17 under the Eminent Domain Act, records, documents, and
18 information relating to that parcel shall be exempt except
19 as may be allowed under discovery rules adopted by the
20 Illinois Supreme Court. The records, documents, and
21 information relating to a real estate sale shall be exempt
22 until a sale is consummated.

23 (s) Any and all proprietary information and records
24 related to the operation of an intergovernmental risk
25 management association or self-insurance pool or jointly
26 self-administered health and accident cooperative or pool.

1 Insurance or self insurance (including any
2 intergovernmental risk management association or self
3 insurance pool) claims, loss or risk management
4 information, records, data, advice or communications.

5 (t) Information contained in or related to
6 examination, operating, or condition reports prepared by,
7 on behalf of, or for the use of a public body responsible
8 for the regulation or supervision of financial
9 institutions, insurance companies, or pharmacy benefit
10 managers, unless disclosure is otherwise required by State
11 law.

12 (u) Information that would disclose or might lead to
13 the disclosure of secret or confidential information,
14 codes, algorithms, programs, or private keys intended to be
15 used to create electronic or digital signatures under the
16 Electronic Commerce Security Act.

17 (v) Vulnerability assessments, security measures, and
18 response policies or plans that are designed to identify,
19 prevent, or respond to potential attacks upon a community's
20 population or systems, facilities, or installations, the
21 destruction or contamination of which would constitute a
22 clear and present danger to the health or safety of the
23 community, but only to the extent that disclosure could
24 reasonably be expected to jeopardize the effectiveness of
25 the measures or the safety of the personnel who implement
26 them or the public. Information exempt under this item may

1 include such things as details pertaining to the
2 mobilization or deployment of personnel or equipment, to
3 the operation of communication systems or protocols, or to
4 tactical operations.

5 (w) (Blank).

6 (x) Maps and other records regarding the location or
7 security of generation, transmission, distribution,
8 storage, gathering, treatment, or switching facilities
9 owned by a utility, by a power generator, or by the
10 Illinois Power Agency.

11 (y) Information contained in or related to proposals,
12 bids, or negotiations related to electric power
13 procurement under Section 1-75 of the Illinois Power Agency
14 Act and Section 16-111.5 of the Public Utilities Act that
15 is determined to be confidential and proprietary by the
16 Illinois Power Agency or by the Illinois Commerce
17 Commission.

18 (z) Information about students exempted from
19 disclosure under Sections 10-20.38 or 34-18.29 of the
20 School Code, and information about undergraduate students
21 enrolled at an institution of higher education exempted
22 from disclosure under Section 25 of the Illinois Credit
23 Card Marketing Act of 2009.

24 (aa) Information the disclosure of which is exempted
25 under the Viatical Settlements Act of 2009.

26 (bb) Records and information provided to a mortality

1 review team and records maintained by a mortality review
2 team appointed under the Department of Juvenile Justice
3 Mortality Review Team Act.

4 (cc) Information regarding interments, entombments, or
5 inurnments of human remains that are submitted to the
6 Cemetery Oversight Database under the Cemetery Care Act or
7 the Cemetery Oversight Act, whichever is applicable.

8 (dd) Correspondence and records (i) that may not be
9 disclosed under Section 11-9 of the Illinois Public Aid
10 Code or (ii) that pertain to appeals under Section 11-8 of
11 the Illinois Public Aid Code.

12 (ee) The names, addresses, or other personal
13 information of persons who are minors and are also
14 participants and registrants in programs of park
15 districts, forest preserve districts, conservation
16 districts, recreation agencies, and special recreation
17 associations.

18 (ff) The names, addresses, or other personal
19 information of participants and registrants in programs of
20 park districts, forest preserve districts, conservation
21 districts, recreation agencies, and special recreation
22 associations where such programs are targeted primarily to
23 minors.

24 (gg) Confidential information described in Section
25 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

26 (hh) The report submitted to the State Board of

1 Education by the School Security and Standards Task Force
2 under item (8) of subsection (d) of Section 2-3.160 of the
3 School Code and any information contained in that report.

4 (ii) Records requested by persons committed to or
5 detained by the Department of Human Services under the
6 Sexually Violent Persons Commitment Act or committed to the
7 Department of Corrections under the Sexually Dangerous
8 Persons Act if those materials: (i) are available in the
9 library of the facility where the individual is confined;
10 (ii) include records from staff members' personnel files,
11 staff rosters, or other staffing assignment information;
12 or (iii) are available through an administrative request to
13 the Department of Human Services or the Department of
14 Corrections.

15 (jj) Confidential information described in Section
16 5-535 of the Civil Administrative Code of Illinois.

17 (kk) The public body's credit card numbers, debit card
18 numbers, bank account numbers, Federal Employer
19 Identification Number, security code numbers, passwords,
20 and similar account information, the disclosure of which
21 could result in identity theft or impression or defrauding
22 of a governmental entity or a person.

23 (ll) ~~(kk)~~ Records concerning the work of the threat
24 assessment team of a school district.

25 (1.5) Any information exempt from disclosure under the
26 Judicial Privacy Act shall be redacted from public records

1 prior to disclosure under this Act.

2 (2) A public record that is not in the possession of a
3 public body but is in the possession of a party with whom the
4 agency has contracted to perform a governmental function on
5 behalf of the public body, and that directly relates to the
6 governmental function and is not otherwise exempt under this
7 Act, shall be considered a public record of the public body,
8 for purposes of this Act.

9 (3) This Section does not authorize withholding of
10 information or limit the availability of records to the public,
11 except as stated in this Section or otherwise provided in this
12 Act.

13 (Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
14 100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.
15 1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)

16 Section 10. The State Employee Indemnification Act is
17 amended by changing Section 2 as follows:

18 (5 ILCS 350/2) (from Ch. 127, par. 1302)

19 Sec. 2. Representation and indemnification of State
20 employees.

21 (a) In the event that any civil proceeding is commenced
22 against any State employee arising out of any act or omission
23 occurring within the scope of the employee's State employment,
24 the Attorney General shall, upon timely and appropriate notice

1 to him by such employee, appear on behalf of such employee and
2 defend the action. In the event that any civil proceeding is
3 commenced against any physician who is an employee of the
4 Department of Corrections or the Department of Human Services
5 (in a position relating to the Department's mental health and
6 developmental disabilities functions) alleging death or bodily
7 injury or other injury to the person of the complainant
8 resulting from and arising out of any act or omission occurring
9 on or after December 3, 1977 within the scope of the employee's
10 State employment, or against any physician who is an employee
11 of the Department of Veterans' Affairs alleging death or bodily
12 injury or other injury to the person of the complainant
13 resulting from and arising out of any act or omission occurring
14 on or after the effective date of this amendatory Act of 1988
15 within the scope of the employee's State employment, or in the
16 event that any civil proceeding is commenced against any
17 attorney who is an employee of the State Appellate Defender
18 alleging legal malpractice or for other damages resulting from
19 and arising out of any legal act or omission occurring on or
20 after December 3, 1977, within the scope of the employee's
21 State employment, or in the event that any civil proceeding is
22 commenced against any individual or organization who contracts
23 with the Department of Labor to provide services as a carnival
24 and amusement ride safety inspector alleging malpractice,
25 death or bodily injury or other injury to the person arising
26 out of any act or omission occurring on or after May 1, 1985,

1 within the scope of that employee's State employment, the
2 Attorney General shall, upon timely and appropriate notice to
3 him by such employee, appear on behalf of such employee and
4 defend the action. Any such notice shall be in writing, shall
5 be mailed within 15 days after the date of receipt by the
6 employee of service of process, and shall authorize the
7 Attorney General to represent and defend the employee in the
8 proceeding. The giving of this notice to the Attorney General
9 shall constitute an agreement by the State employee to
10 cooperate with the Attorney General in his defense of the
11 action and a consent that the Attorney General shall conduct
12 the defense as he deems advisable and in the best interests of
13 the employee, including settlement in the Attorney General's
14 discretion. In any such proceeding, the State shall pay the
15 court costs and litigation expenses of defending such action,
16 to the extent approved by the Attorney General as reasonable,
17 as they are incurred.

18 (b) In the event that the Attorney General determines that
19 so appearing and defending an employee either (1) involves an
20 actual or potential conflict of interest, or (2) that the act
21 or omission which gave rise to the claim was not within the
22 scope of the employee's State employment or was intentional,
23 wilful or wanton misconduct, the Attorney General shall decline
24 in writing to appear or defend or shall promptly take
25 appropriate action to withdraw as attorney for such employee.
26 Upon receipt of such declination or upon such withdrawal by the

1 Attorney General on the basis of an actual or potential
2 conflict of interest, the State employee may employ his own
3 attorney to appear and defend, in which event the State shall
4 pay the employee's court costs, litigation expenses and
5 attorneys' fees to the extent approved by the Attorney General
6 as reasonable, as they are incurred. In the event that the
7 Attorney General declines to appear or withdraws on the grounds
8 that the act or omission was not within the scope of
9 employment, or was intentional, wilful or wanton misconduct,
10 and a court or jury finds that the act or omission of the State
11 employee was within the scope of employment and was not
12 intentional, wilful or wanton misconduct, the State shall
13 indemnify the State employee for any damages awarded and court
14 costs and attorneys' fees assessed as part of any final and
15 unreversed judgment. In such event the State shall also pay the
16 employee's court costs, litigation expenses and attorneys'
17 fees to the extent approved by the Attorney General as
18 reasonable.

19 In the event that the defendant in the proceeding is an
20 elected State official, including members of the General
21 Assembly, the elected State official may retain his or her
22 attorney, provided that said attorney shall be reasonably
23 acceptable to the Attorney General. In such case the State
24 shall pay the elected State official's court costs, litigation
25 expenses, and attorneys' fees, to the extent approved by the
26 Attorney General as reasonable, as they are incurred.

1 (b-5) The Attorney General may file a counterclaim on
2 behalf of a State employee, provided:

3 (1) the Attorney General determines that the State
4 employee is entitled to representation in a civil action
5 under this Section;

6 (2) the counterclaim arises out of any act or omission
7 occurring within the scope of the employee's State
8 employment that is the subject of the civil action; and

9 (3) the employee agrees in writing that if judgment is
10 entered in favor of the employee, the amount of the
11 judgment shall be applied to offset any judgment that may
12 be entered in favor of the plaintiff, and then to reimburse
13 the State treasury for court costs and litigation expenses
14 required to pursue the counterclaim. The balance of the
15 collected judgment shall be paid to the State employee.

16 (c) Notwithstanding any other provision of this Section,
17 representation and indemnification of a judge under this Act
18 shall also be provided in any case where the plaintiff seeks
19 damages or any equitable relief as a result of any decision,
20 ruling or order of a judge made in the course of his or her
21 judicial or administrative duties, without regard to the theory
22 of recovery employed by the plaintiff. Indemnification shall be
23 for all damages awarded and all court costs, attorney fees and
24 litigation expenses assessed against the judge. When a judge
25 has been convicted of a crime as a result of his or her
26 intentional judicial misconduct in a trial, that judge shall

1 not be entitled to indemnification and representation under
2 this subsection in any case maintained by a party who seeks
3 damages or other equitable relief as a direct result of the
4 judge's intentional judicial misconduct.

5 (d) In any such proceeding where notice in accordance with
6 this Section has been given to the Attorney General, unless the
7 court or jury finds that the conduct or inaction which gave
8 rise to the claim or cause of action was intentional, wilful or
9 wanton misconduct and was not intended to serve or benefit
10 interests of the State, the State shall indemnify the State
11 employee for any damages awarded and court costs and attorneys'
12 fees assessed as part of any final and unreversed judgment, or
13 shall pay such judgment. Unless the Attorney General determines
14 that the conduct or inaction which gave rise to the claim or
15 cause of action was intentional, wilful or wanton misconduct
16 and was not intended to serve or benefit interests of the
17 State, the case may be settled, in the Attorney General's
18 discretion and with the employee's consent, and the State shall
19 indemnify the employee for any damages, court costs and
20 attorneys' fees agreed to as part of the settlement, or shall
21 pay such settlement. Where the employee is represented by
22 private counsel, any settlement must be so approved by the
23 Attorney General and the court having jurisdiction, which shall
24 obligate the State to indemnify the employee.

25 (e) (i) Court costs and litigation expenses and other costs
26 of providing a defense or counterclaim, including attorneys'

1 fees obligated under this Section, shall be paid from the State
2 Treasury on the warrant of the Comptroller out of
3 appropriations made to the Department of Central Management
4 Services specifically designed for the payment of costs, fees
5 and expenses covered by this Section.

6 (ii) Upon entry of a final judgment against the employee,
7 or upon the settlement of the claim, the employee shall cause
8 to be served a copy of such judgment or settlement, personally
9 or by certified or registered mail within thirty days of the
10 date of entry or settlement, upon the chief administrative
11 officer of the department, office or agency in which he is
12 employed. If not inconsistent with the provisions of this
13 Section, such judgment or settlement shall be certified for
14 payment by such chief administrative officer and by the
15 Attorney General. The judgment or settlement shall be paid from
16 the State Treasury on the warrant of the Comptroller out of
17 appropriations made to the Department of Central Management
18 Services specifically designed for the payment of claims
19 covered by this Section.

20 (f) Nothing contained or implied in this Section shall
21 operate, or be construed or applied, to deprive the State, or
22 any employee thereof, of any defense heretofore available.

23 (g) This Section shall apply regardless of whether the
24 employee is sued in his or her individual or official capacity.

25 (h) This Section shall not apply to claims for bodily
26 injury or damage to property arising from motor vehicle crashes

1 ~~accidents.~~

2 (i) This Section shall apply to all proceedings filed on or
3 after its effective date, and to any proceeding pending on its
4 effective date, if the State employee gives notice to the
5 Attorney General as provided in this Section within 30 days of
6 the Act's effective date.

7 (j) The amendatory changes made to this Section by this
8 amendatory Act of 1986 shall apply to all proceedings filed on
9 or after the effective date of this amendatory Act of 1986 and
10 to any proceeding pending on its effective date, if the State
11 employee gives notice to the Attorney General as provided in
12 this Section within 30 days of the effective date of this
13 amendatory Act of 1986.

14 (k) This Act applies to all State officials who are serving
15 as trustees, or their appointing authorities, of a clean energy
16 community trust or as members of a not-for-profit foundation or
17 corporation established pursuant to Section 16-111.1 of the
18 Public Utilities Act.

19 (l) The State shall not provide representation for, nor
20 shall it indemnify, any State employee in (i) any criminal
21 proceeding in which the employee is a defendant or (ii) any
22 criminal investigation in which the employee is the target.
23 Nothing in this Act shall be construed to prohibit the State
24 from providing representation to a State employee who is a
25 witness in a criminal matter arising out of that employee's
26 State employment.

1 (Source: P.A. 99-461, eff. 1-1-17.)

2 Section 15. The Illinois Identification Card Act is amended
3 by changing Section 11A as follows:

4 (15 ILCS 335/11A)

5 Sec. 11A. Emergency contact database.

6 (a) The Secretary of State shall establish a database of
7 the emergency contacts of persons who hold identification
8 cards. Information in the database shall be accessible only to
9 employees of the Office of the Secretary and law enforcement
10 officers employed by a law enforcement agency. Law enforcement
11 officers may share information contained in the emergency
12 contact database, including disabilities and special needs
13 information, with other public safety workers on scene, as
14 needed to conduct official law enforcement duties.

15 (b) Any person holding an identification card shall be
16 afforded the opportunity to provide the Secretary of State, in
17 a manner and form designated by the Secretary of State, the
18 name, address, telephone number, and relationship to the holder
19 of no more than 2 emergency contact persons whom the holder
20 wishes to be contacted by a law enforcement officer if the
21 holder is involved in a motor vehicle crash ~~accident~~ or other
22 emergency situation and the holder is unable to communicate
23 with the contact person or persons and may designate whether
24 the holder has a disability or is a special needs individual. A

1 contact person need not be the holder's next of kin.

2 (c) The Secretary shall adopt rules to implement this
3 Section. At a minimum, the rules shall address all of the
4 following:

5 (1) the method whereby a holder may provide the
6 Secretary of State with emergency contact, disability, and
7 special needs information;

8 (2) the method whereby a holder may provide the
9 Secretary of State with a change to the emergency contact,
10 disability, and special needs information; and

11 (3) any other aspect of the database or its operation
12 that the Secretary determines is necessary to implement
13 this Section.

14 (d) If a person involved in a motor vehicle crash ~~accident~~
15 or other emergency situation is unable to communicate with the
16 contact person or persons specified in the database, a law
17 enforcement officer shall make a good faith effort to notify
18 the contact person or persons of the situation. Neither the law
19 enforcement officer nor the law enforcement agency that employs
20 that law enforcement officer incurs any liability, however, if
21 the law enforcement officer is not able to make contact with
22 the contact person. Except for willful or wanton misconduct,
23 neither the law enforcement officer, nor the law enforcement
24 agency that employs the law enforcement officer, shall incur
25 any liability relating to the reporting or use of the database
26 during a motor vehicle crash ~~accident~~ or other emergency

1 situation.

2 (e) The Secretary of State shall make a good faith effort
3 to maintain accurate data as provided by the identification
4 card holder and to provide that information to law enforcement
5 as provided in subsection (a). The Secretary of State is not
6 liable for any damages, costs, or expenses, including, without
7 limitation, consequential damages, arising or resulting from
8 any inaccurate or incomplete data or system unavailability.
9 Except for willful or wanton misconduct, the Secretary of State
10 shall not incur any liability relating to the reporting of
11 disabilities or special needs individuals.

12 (f) As used in this Section:

13 "Disability" means an individual's physical or mental
14 impairment that substantially limits one or more of the major
15 life activities; a record of such impairment; or when the
16 individual is regarded as having such impairment.

17 "Public safety worker" means a person employed by this
18 State or a political subdivision thereof that provides
19 firefighting, law enforcement, medical, or other emergency
20 services.

21 "Special needs individuals" means those individuals who
22 have or are at increased risk for a chronic physical,
23 developmental, behavioral, or emotional condition and who also
24 require health and related services of a type or amount beyond
25 that required by individuals generally.

26 (Source: P.A. 95-898, eff. 7-1-09; 96-1168, eff. 1-1-11.)

1 Section 20. The Department of Transportation Law of the
2 Civil Administrative Code of Illinois is amended by changing
3 Sections 2705-210 and 2705-317 as follows:

4 (20 ILCS 2705/2705-210) (was 20 ILCS 2705/49.15)

5 Sec. 2705-210. Traffic control and prevention of crashes
6 ~~accidents~~. The Department has the power to develop,
7 consolidate, and coordinate effective programs and activities
8 for the advancement of driver education, for the facilitation
9 of the movement of motor vehicle traffic, and for the
10 protection and conservation of life and property on the streets
11 and highways of this State and to advise, recommend, and
12 consult with the several departments, divisions, boards,
13 commissions, and other agencies of this State in regard to
14 those programs and activities. The Department has the power to
15 aid and assist the counties, cities, towns, and other political
16 subdivisions of this State in the control of traffic and the
17 prevention of traffic crashes ~~accidents~~. That aid and
18 assistance to counties, cities, towns, and other political
19 subdivisions of this State shall include assistance with regard
20 to planning, traffic flow, light synchronizing, preferential
21 lanes for carpools, and carpool parking allocations.

22 (Source: P.A. 91-239, eff. 1-1-00.)

23 (20 ILCS 2705/2705-317)

1 Sec. 2705-317. Safe Routes to School Construction Program.

2 (a) Upon enactment of a federal transportation bill with a
3 dedicated fund available to states for safe routes to schools,
4 the Department, in cooperation with the State Board of
5 Education and the Department of State Police, shall establish
6 and administer a Safe Routes to School Construction Program for
7 the construction of bicycle and pedestrian safety and
8 traffic-calming projects using the federal Safe Routes to
9 Schools Program funds.

10 (b) The Department shall make construction grants
11 available to local governmental agencies under the Safe Routes
12 to School Construction Program based on the results of a
13 statewide competition that requires submission of Safe Routes
14 to School proposals for funding and that rates those proposals
15 on all of the following factors:

16 (1) Demonstrated needs of the grant applicant.

17 (2) Potential of the proposal for reducing child
18 injuries and fatalities.

19 (3) Potential of the proposal for encouraging
20 increased walking and bicycling among students.

21 (4) Identification of safety hazards.

22 (5) Identification of current and potential walking
23 and bicycling routes to school.

24 (6) Consultation and support for projects by
25 school-based associations, local traffic engineers, local
26 elected officials, law enforcement agencies, and school

1 officials.

2 (7) Proximity to parks and other recreational
3 facilities.

4 With respect to the use of federal Safe Routes to Schools
5 Program funds, prior to the award of a construction grant or
6 the use of those funds for a Safe Routes to School project
7 encompassing a highway, the Department shall consult with and
8 obtain approval from the Department of State Police and the
9 highway authority with jurisdiction to ensure that the Safe
10 Routes to School proposal is consistent with a statewide
11 pedestrian safety statistical analysis.

12 (c) On March 30, 2006 and each March 30th thereafter, the
13 Department shall submit a report to the General Assembly
14 listing and describing the projects funded under the Safe
15 Routes to School Construction Program.

16 (d) The Department shall study the effectiveness of the
17 Safe Routes to School Construction Program, with particular
18 emphasis on the Program's effectiveness in reducing traffic
19 crashes ~~accidents~~ and its contribution to improving safety and
20 reducing the number of child injuries and fatalities in the
21 vicinity of a Safe Routes to School project. The Department
22 shall submit a report to the General Assembly on or before
23 December 31, 2006 regarding the results of the study.

24 (e) The Department, the State Board of Education, and the
25 Department of State Police may adopt any rules necessary to
26 implement this Section.

1 (Source: P.A. 94-493, eff. 8-8-05.)

2 Section 25. The Peace Officer Fire Investigation Act is
3 amended by changing Section 1 as follows:

4 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

5 Sec. 1. Peace officer status.

6 (a) Any person who is a sworn member of any organized and
7 paid fire department of a political subdivision of this State
8 and is authorized to investigate fires or explosions for such
9 political subdivision and to determine the cause, origin and
10 circumstances of fires or explosions that are suspected to be
11 arson or arson-related crimes, may be classified as a peace
12 officer by the political subdivision or agency employing such
13 person. A person so classified shall possess the same powers of
14 arrest, search and seizure and the securing and service of
15 warrants as sheriffs of counties, and police officers within
16 the jurisdiction of their political subdivision. While in the
17 actual investigation and matters incident thereto, such person
18 may carry weapons as may be necessary, but only if that person
19 has satisfactorily completed (1) a training program offered or
20 approved by the Illinois Law Enforcement Training Standards
21 Board which substantially conforms to standards promulgated
22 pursuant to the Illinois Police Training Act and the Peace
23 Officer and Probation Officer Firearm Training Act; and (2) a
24 course in fire and arson investigation approved by the Office

1 of the State Fire Marshal pursuant to the Illinois Fire
2 Protection Training Act. Such training need not include
3 exposure to vehicle and traffic law, traffic control and crash
4 ~~accident~~ investigation, or first aid, but shall include
5 training in the law relating to the rights of persons suspected
6 of involvement in criminal activities.

7 Any person granted the powers enumerated in this subsection

8 (a) may exercise such powers only during the actual
9 investigation of the cause, origin and circumstances of such
10 fires or explosions that are suspected to be arson or
11 arson-related crimes.

12 (b) Persons employed by the Office of the State Fire
13 Marshal to conduct arson investigations shall be designated
14 State Fire Marshal Arson Investigator Special Agents and shall
15 be peace officers with all of the powers of peace officers in
16 cities and sheriffs in counties, except that they may exercise
17 those powers throughout the State. These Special Agents may
18 exercise these powers only when engaging in official duties
19 during the actual investigation of the cause, origin, and
20 circumstances of such fires or explosions that are suspected to
21 be arson or arson-related crimes and may carry weapons at all
22 times, but only if they have satisfactorily completed (1) a
23 training course approved by the Illinois Law Enforcement
24 Training Standards Board that substantially conforms to the
25 standards promulgated pursuant to the Peace Officer and
26 Probation Officer Firearm Training Act and (2) a course in fire

1 and arson investigation approved by the Office of the State
2 Fire Marshal pursuant to the Illinois Fire Protection Training
3 Act. Such training need not include exposure to vehicle and
4 traffic law, traffic control and crash ~~accident~~ investigation,
5 or first aid, but shall include training in the law relating to
6 the rights of persons suspected of involvement in criminal
7 activities.

8 For purposes of this subsection (b), a "State Fire Marshal
9 Arson Investigator Special Agent" does not include any fire
10 investigator, fireman, police officer, or other employee of the
11 federal government; any fire investigator, fireman, police
12 officer, or other employee of any unit of local government; or
13 any fire investigator, fireman, police officer, or other
14 employee of the State of Illinois other than an employee of the
15 Office of the State Fire Marshal assigned to investigate arson.

16 The State Fire Marshal must authorize to each employee of
17 the Office of the State Fire Marshal who is exercising the
18 powers of a peace officer a distinct badge that, on its face,
19 (i) clearly states that the badge is authorized by the Office
20 of the State Fire Marshal and (ii) contains a unique
21 identifying number. No other badge shall be authorized by the
22 Office of the State Fire Marshal, except that a badge,
23 different from the badge issued to peace officers, may be
24 authorized by the Office of the State Fire Marshal for the use
25 of fire prevention inspectors employed by that Office. Nothing
26 in this subsection prohibits the State Fire Marshal from

1 issuing shields or other distinctive identification to
2 employees not exercising the powers of a peace officer if the
3 State Fire Marshal determines that a shield or distinctive
4 identification is needed by the employee to carry out his or
5 her responsibilities.

6 (c) The Office of the State Fire Marshal shall establish a
7 policy to allow a State Fire Marshal Arson Investigator Special
8 Agent who is honorably retiring or separating in good standing
9 to purchase either one or both of the following: (i) any badge
10 previously issued to that State Fire Marshal Arson Investigator
11 Special Agent; or (ii) if the State Fire Marshal Arson
12 Investigator Special Agent has a currently valid Firearm
13 Owner's Identification Card, the service firearm issued or
14 previously issued to the State Fire Marshal Arson Investigator
15 Special Agent by the Office of the State Fire Marshal. The cost
16 of the firearm purchased shall be the replacement value of the
17 firearm and not the firearm's fair market value. All funds
18 received by the agency under this program shall be deposited
19 into the Fire Prevention Fund.

20 (Source: P.A. 100-931, eff. 8-17-18.)

21 Section 30. The Illinois Police Training Act is amended by
22 changing Section 7 as follows:

23 (50 ILCS 705/7) (from Ch. 85, par. 507)

24 Sec. 7. Rules and standards for schools. The Board shall

1 adopt rules and minimum standards for such schools which shall
2 include, but not be limited to, the following:

3 a. The curriculum for probationary police officers
4 which shall be offered by all certified schools shall
5 include, but not be limited to, courses of procedural
6 justice, arrest and use and control tactics, search and
7 seizure, including temporary questioning, civil rights,
8 human rights, human relations, cultural competency,
9 including implicit bias and racial and ethnic sensitivity,
10 criminal law, law of criminal procedure, constitutional
11 and proper use of law enforcement authority, vehicle and
12 traffic law including uniform and non-discriminatory
13 enforcement of the Illinois Vehicle Code, traffic control
14 and crash ~~accident~~ investigation, techniques of obtaining
15 physical evidence, court testimonies, statements, reports,
16 firearms training, training in the use of electronic
17 control devices, including the psychological and
18 physiological effects of the use of those devices on
19 humans, first-aid (including cardiopulmonary
20 resuscitation), training in the administration of opioid
21 antagonists as defined in paragraph (1) of subsection (e)
22 of Section 5-23 of the Substance Use Disorder Act, handling
23 of juvenile offenders, recognition of mental conditions
24 and crises, including, but not limited to, the disease of
25 addiction, which require immediate assistance and response
26 and methods to safeguard and provide assistance to a person

1 in need of mental treatment, recognition of abuse, neglect,
2 financial exploitation, and self-neglect of adults with
3 disabilities and older adults, as defined in Section 2 of
4 the Adult Protective Services Act, crimes against the
5 elderly, law of evidence, the hazards of high-speed police
6 vehicle chases with an emphasis on alternatives to the
7 high-speed chase, and physical training. The curriculum
8 shall include specific training in techniques for
9 immediate response to and investigation of cases of
10 domestic violence and of sexual assault of adults and
11 children, including cultural perceptions and common myths
12 of sexual assault and sexual abuse as well as interview
13 techniques that are age sensitive and are trauma informed,
14 victim centered, and victim sensitive. The curriculum
15 shall include training in techniques designed to promote
16 effective communication at the initial contact with crime
17 victims and ways to comprehensively explain to victims and
18 witnesses their rights under the Rights of Crime Victims
19 and Witnesses Act and the Crime Victims Compensation Act.
20 The curriculum shall also include training in effective
21 recognition of and responses to stress, trauma, and
22 post-traumatic stress experienced by police officers that
23 is consistent with Section 25 of the Illinois Mental Health
24 First Aid Training Act in a peer setting, including
25 recognizing signs and symptoms of work-related cumulative
26 stress, issues that may lead to suicide, and solutions for

1 intervention with peer support resources. The curriculum
2 shall include a block of instruction addressing the
3 mandatory reporting requirements under the Abused and
4 Neglected Child Reporting Act. The curriculum shall also
5 include a block of instruction aimed at identifying and
6 interacting with persons with autism and other
7 developmental or physical disabilities, reducing barriers
8 to reporting crimes against persons with autism, and
9 addressing the unique challenges presented by cases
10 involving victims or witnesses with autism and other
11 developmental disabilities. The curriculum shall include
12 training in the detection and investigation of all forms of
13 human trafficking. The curriculum shall also include
14 instruction in trauma-informed responses designed to
15 ensure the physical safety and well-being of a child of an
16 arrested parent or immediate family member; this
17 instruction must include, but is not limited to: (1)
18 understanding the trauma experienced by the child while
19 maintaining the integrity of the arrest and safety of
20 officers, suspects, and other involved individuals; (2)
21 de-escalation tactics that would include the use of force
22 when reasonably necessary; and (3) inquiring whether a
23 child will require supervision and care. The curriculum for
24 permanent police officers shall include, but not be limited
25 to: (1) refresher and in-service training in any of the
26 courses listed above in this subparagraph, (2) advanced

1 courses in any of the subjects listed above in this
2 subparagraph, (3) training for supervisory personnel, and
3 (4) specialized training in subjects and fields to be
4 selected by the board. The training in the use of
5 electronic control devices shall be conducted for
6 probationary police officers, including University police
7 officers.

8 b. Minimum courses of study, attendance requirements
9 and equipment requirements.

10 c. Minimum requirements for instructors.

11 d. Minimum basic training requirements, which a
12 probationary police officer must satisfactorily complete
13 before being eligible for permanent employment as a local
14 law enforcement officer for a participating local
15 governmental agency. Those requirements shall include
16 training in first aid (including cardiopulmonary
17 resuscitation).

18 e. Minimum basic training requirements, which a
19 probationary county corrections officer must
20 satisfactorily complete before being eligible for
21 permanent employment as a county corrections officer for a
22 participating local governmental agency.

23 f. Minimum basic training requirements which a
24 probationary court security officer must satisfactorily
25 complete before being eligible for permanent employment as
26 a court security officer for a participating local

1 governmental agency. The Board shall establish those
2 training requirements which it considers appropriate for
3 court security officers and shall certify schools to
4 conduct that training.

5 A person hired to serve as a court security officer
6 must obtain from the Board a certificate (i) attesting to
7 his or her successful completion of the training course;
8 (ii) attesting to his or her satisfactory completion of a
9 training program of similar content and number of hours
10 that has been found acceptable by the Board under the
11 provisions of this Act; or (iii) attesting to the Board's
12 determination that the training course is unnecessary
13 because of the person's extensive prior law enforcement
14 experience.

15 Individuals who currently serve as court security
16 officers shall be deemed qualified to continue to serve in
17 that capacity so long as they are certified as provided by
18 this Act within 24 months of June 1, 1997 (the effective
19 date of Public Act 89-685). Failure to be so certified,
20 absent a waiver from the Board, shall cause the officer to
21 forfeit his or her position.

22 All individuals hired as court security officers on or
23 after June 1, 1997 (the effective date of Public Act
24 89-685) shall be certified within 12 months of the date of
25 their hire, unless a waiver has been obtained by the Board,
26 or they shall forfeit their positions.

1 The Sheriff's Merit Commission, if one exists, or the
2 Sheriff's Office if there is no Sheriff's Merit Commission,
3 shall maintain a list of all individuals who have filed
4 applications to become court security officers and who meet
5 the eligibility requirements established under this Act.
6 Either the Sheriff's Merit Commission, or the Sheriff's
7 Office if no Sheriff's Merit Commission exists, shall
8 establish a schedule of reasonable intervals for
9 verification of the applicants' qualifications under this
10 Act and as established by the Board.

11 g. Minimum in-service training requirements, which a
12 police officer must satisfactorily complete every 3 years.
13 Those requirements shall include constitutional and proper
14 use of law enforcement authority, procedural justice,
15 civil rights, human rights, mental health awareness and
16 response, officer wellness, reporting child abuse and
17 neglect, and cultural competency.

18 h. Minimum in-service training requirements, which a
19 police officer must satisfactorily complete at least
20 annually. Those requirements shall include law updates and
21 use of force training which shall include scenario based
22 training, or similar training approved by the Board.

23 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
24 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
25 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
26 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;

1 101-564, eff. 1-1-20; revised 9-10-19.)

2 Section 35. The Uniform Crime Reporting Act is amended by
3 changing Section 5-5 as follows:

4 (50 ILCS 709/5-5)

5 Sec. 5-5. Definitions. As used in this Act:

6 "Arrest-related death" means any death of an individual
7 while the individual's freedom to leave is restricted by a law
8 enforcement officer while the officer is on duty, or otherwise
9 acting within the scope of his or her employment, including any
10 death resulting from a motor vehicle crash ~~accident~~, if the law
11 enforcement officer was engaged in direct action against the
12 individual or the individual's vehicle during the process of
13 apprehension. "Arrest-related death" does not include the
14 death of law enforcement personnel.

15 "Department" means the Department of State Police.

16 "Domestic crime" means any crime attempted or committed
17 between a victim and offender who have a domestic relationship,
18 both current and past.

19 "Hate crime" has the same meaning as defined under Section
20 12-7.1 of the Criminal Code of 2012.

21 "Law enforcement agency" means an agency of this State or
22 unit of local government which is vested by law or ordinance
23 with the duty to maintain public order and to enforce criminal
24 law or ordinances.

1 "Law enforcement officer" or "officer" means any officer,
2 agent, or employee of this State or a unit of local government
3 authorized by law or by a government agency to engage in or
4 supervise the prevention, detection, or investigation of any
5 violation of criminal law, or authorized by law to supervise
6 accused persons or sentenced criminal offenders.

7 (Source: P.A. 99-352, eff. 1-1-16.)

8 Section 40. The Police and Community Relations Improvement
9 Act is amended by changing Sections 1-5 and 1-10 as follows:

10 (50 ILCS 727/1-5)

11 Sec. 1-5. Definitions. As used in this Act:

12 "Law enforcement agency" means an agency of this State or
13 unit of local government which is vested by law or ordinance
14 with the duty to maintain public order and to enforce criminal
15 laws or ordinances.

16 "Law enforcement officer" or "officer" means any person
17 employed by a State, county, or municipality as a policeman,
18 peace officer, or in some like position involving the
19 enforcement of the law and protection of public interest at the
20 risk of the person's life.

21 "Officer-involved death" means any death of an individual
22 that results directly from an action or directly from an
23 intentional omission, including unreasonable delay involving a
24 person in custody or intentional failure to seek medical

1 attention when the need for treatment is apparent, of a law
2 enforcement officer while the officer is on duty, or otherwise
3 acting within the scope of his or her employment, or while the
4 officer is off duty, but performing activities that are within
5 the scope of his or her law enforcement duties.
6 "Officer-involved death" includes any death resulting from a
7 motor vehicle crash ~~accident~~, if the law enforcement officer
8 was engaged in law enforcement activity involving the
9 individual or the individual's vehicle in the process of
10 apprehension or attempt to apprehend.

11 (Source: P.A. 99-352, eff. 1-1-16.)

12 (50 ILCS 727/1-10)

13 Sec. 1-10. Investigation of officer-involved deaths;
14 requirements.

15 (a) Each law enforcement agency shall have a written policy
16 regarding the investigation of officer-involved deaths that
17 involve a law enforcement officer employed by that law
18 enforcement agency.

19 (b) Each officer-involved death investigation shall be
20 conducted by at least 2 investigators, or an entity or agency
21 comprised of at least 2 investigators, one of whom is the lead
22 investigator. The lead investigator shall be a person certified
23 by the Illinois Law Enforcement Training Standards Board as a
24 Lead Homicide Investigator, or similar training approved by the
25 Illinois Law Enforcement Training Standards Board or the

1 Department of State Police, or similar training provided at an
2 Illinois Law Enforcement Training Standards Board certified
3 school. No investigator involved in the investigation may be
4 employed by the law enforcement agency that employs the officer
5 involved in the officer-involved death, unless the
6 investigator is employed by the Department of State Police and
7 is not assigned to the same division or unit as the officer
8 involved in the death.

9 (c) In addition to the requirements of subsection (b) of
10 this Section, if the officer-involved death being investigated
11 involves a motor vehicle crash ~~accident~~, at least one
12 investigator shall be certified by the Illinois Law Enforcement
13 Training Standards Board as a Crash Reconstruction Specialist,
14 or similar training approved by the Illinois Law Enforcement
15 Training Standards Board or the Department of State Police, or
16 similar training provided at an Illinois Law Enforcement
17 Training Standards Board certified school. Notwithstanding the
18 requirements of subsection (b) of this Section, the policy for
19 a law enforcement agency, when the officer-involved death being
20 investigated involves a motor vehicle collision, may allow the
21 use of an investigator who is employed by that law enforcement
22 agency and who is certified by the Illinois Law Enforcement
23 Training Standards Board as a Crash Reconstruction Specialist,
24 or similar training approved by the Illinois Law Enforcement
25 Training and Standards Board, or similar certified training
26 approved by the Department of State Police, or similar training

1 provided at an Illinois Law Enforcement Training and Standards
2 Board certified school.

3 (d) The investigators conducting the investigation shall,
4 in an expeditious manner, provide a complete report to the
5 State's Attorney of the county in which the officer-involved
6 death occurred.

7 (e) If the State's Attorney, or a designated special
8 prosecutor, determines there is no basis to prosecute the law
9 enforcement officer involved in the officer-involved death, or
10 if the law enforcement officer is not otherwise charged or
11 indicted, the investigators shall publicly release a report.
12 (Source: P.A. 99-352, eff. 1-1-16.)

13 Section 45. The Counties Code is amended by changing
14 Section 5-1182 as follows:

15 (55 ILCS 5/5-1182)

16 Sec. 5-1182. Charitable organizations; solicitation.

17 (a) No county may prohibit a charitable organization, as
18 defined in Section 2 of the Charitable Games Act, from
19 soliciting for charitable purposes, including solicitations
20 taking place on public roadways from passing motorists, if all
21 of the following requirements are met.

22 (1) The persons to be engaged in the solicitation are
23 law enforcement personnel, firefighters, or other persons
24 employed to protect the public safety of a local agency,

1 and those persons are soliciting solely in an area that is
2 within the service area of that local agency.

3 (2) The charitable organization files an application
4 with the county having jurisdiction over the location or
5 locations where the solicitation is to occur. The
6 applications shall be filed not later than 10 business days
7 before the date that the solicitation is to begin and shall
8 include all of the following:

9 (A) The date or dates and times of day when the
10 solicitation is to occur.

11 (B) The location or locations where the
12 solicitation is to occur along with a list of 3
13 alternate locations listed in order of preference.

14 (C) The manner and conditions under which the
15 solicitation is to occur.

16 (D) Proof of a valid liability insurance policy in
17 the amount of at least \$1,000,000 insuring the charity
18 or local agency against bodily injury and property
19 damage arising out of or in connection with the
20 solicitation.

21 The county shall approve the application within 5 business
22 days after the filing date of the application, but may impose
23 reasonable conditions in writing that are consistent with the
24 intent of this Section and are based on articulated public
25 safety concerns. If the county determines that the applicant's
26 location cannot be permitted due to significant safety

1 concerns, such as high traffic volumes, poor geometrics,
2 construction, maintenance operations, or past crash ~~accident~~
3 history, then the county may deny the application for that
4 location and must approve one of the 3 alternate locations
5 following the order of preference submitted by the applicant on
6 the alternate location list. By acting under this Section, a
7 local agency does not waive or limit any immunity from
8 liability provided by any other provision of law.

9 (b) For purposes of this Section, "local agency" means a
10 county, special district, fire district, joint powers of
11 authority, or other political subdivision of the State of
12 Illinois.

13 (c) A home rule unit may not regulate a charitable
14 organization in a manner that is inconsistent with this
15 Section. This Section is a limitation under subsection (i) of
16 Section 6 of Article VII of the Illinois Constitution on the
17 concurrent exercise by home rule units of powers and functions
18 exercised by the State.

19 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13.)

20 Section 50. The Illinois Municipal Code is amended by
21 changing Section 11-80-9 as follows:

22 (65 ILCS 5/11-80-9) (from Ch. 24, par. 11-80-9)

23 Sec. 11-80-9. The corporate authorities of each
24 municipality may prevent and regulate all amusements and

1 activities having a tendency to annoy or endanger persons or
2 property on the sidewalks, streets, and other municipal
3 property. However, no municipality may prohibit a charitable
4 organization, as defined in Section 2 of the Charitable Games
5 Act, from soliciting for charitable purposes, including
6 solicitations taking place on public roadways from passing
7 motorists, if all of the following requirements are met.

8 (1) The persons to be engaged in the solicitation are
9 law enforcement personnel, firefighters, or other persons
10 employed to protect the public safety of a local agency,
11 and that are soliciting solely in an area that is within
12 the service area of that local agency.

13 (2) The charitable organization files an application
14 with the municipality having jurisdiction over the
15 location or locations where the solicitation is to occur.
16 The application shall be filed not later than 10 business
17 days before the date that the solicitation is to begin and
18 shall include all of the following:

19 (A) The date or dates and times of day when the
20 solicitation is to occur.

21 (B) The location or locations where the
22 solicitation is to occur along with a list of 3
23 alternate locations listed in order of preference.

24 (C) The manner and conditions under which the
25 solicitation is to occur.

26 (D) Proof of a valid liability insurance policy in

1 the amount of at least \$1,000,000 insuring the charity
2 or local agency against bodily injury and property
3 damage arising out of or in connection with the
4 solicitation.

5 The municipality shall approve the application within 5
6 business days after the filing date of the application, but may
7 impose reasonable conditions in writing that are consistent
8 with the intent of this Section and are based on articulated
9 public safety concerns. If the municipality determines that the
10 applicant's location cannot be permitted due to significant
11 safety concerns, such as high traffic volumes, poor geometrics,
12 construction, maintenance operations, or past crash ~~accident~~
13 history, then the municipality may deny the application for
14 that location and must approve one of the 3 alternate locations
15 following the order of preference submitted by the applicant on
16 the alternate location list. By acting under this Section, a
17 local agency does not waive or limit any immunity from
18 liability provided by any other provision of law.

19 For purposes of this Section, "local agency" means a
20 municipality, special district, fire district, joint powers of
21 authority, or other political subdivision of the State of
22 Illinois.

23 A home rule unit may not regulate a charitable organization
24 in a manner that is inconsistent with this Section. This
25 Section is a limitation under subsection (i) of Section 6 of
26 Article VII of the Illinois Constitution on the concurrent

1 exercise by home rule units of powers and functions exercised
2 by the State.

3 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13;
4 98-756, eff. 7-16-14.)

5 Section 55. The Illinois Insurance Code is amended by
6 changing Sections 143.01, 143.19, 143.19.1, 143.19.3, 143.24b,
7 143.29, 143.32, 143a, and 143a-2 as follows:

8 (215 ILCS 5/143.01) (from Ch. 73, par. 755.01)

9 Sec. 143.01. (a) A provision in a policy of vehicle
10 insurance described in Section 4 excluding coverage for bodily
11 injury to members of the family of the insured shall not be
12 applicable when a third party acquires a right of contribution
13 against a member of the injured person's family.

14 (b) A provision in a policy of vehicle insurance excluding
15 coverage for bodily injury to members of the family of the
16 insured shall not be applicable when any person not in the
17 household of the insured was driving the vehicle of the insured
18 involved in the crash ~~accident~~ which is the subject of the
19 claim or lawsuit.

20 This subsection (b) applies to any action filed on or after
21 its effective date.

22 (Source: P.A. 83-1132.)

23 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

1 Sec. 143.19. Cancellation of automobile insurance policy;
2 grounds. After a policy of automobile insurance as defined in
3 Section 143.13(a) has been effective for 60 days, or if such
4 policy is a renewal policy, the insurer shall not exercise its
5 option to cancel such policy except for one or more of the
6 following reasons:

7 a. Nonpayment of premium;

8 b. The policy was obtained through a material
9 misrepresentation;

10 c. Any insured violated any of the terms and conditions
11 of the policy;

12 d. The named insured failed to disclose fully his motor
13 vehicle crashes ~~accidents~~ and moving traffic violations
14 for the preceding 36 months if called for in the
15 application;

16 e. Any insured made a false or fraudulent claim or
17 knowingly aided or abetted another in the presentation of
18 such a claim;

19 f. The named insured or any other operator who either
20 resides in the same household or customarily operates an
21 automobile insured under such policy:

22 1. has, within the 12 months prior to the notice of
23 cancellation, had his driver's license under
24 suspension or revocation;

25 2. is or becomes subject to epilepsy or heart
26 attacks, and such individual does not produce a

1 certificate from a physician testifying to his
2 unqualified ability to operate a motor vehicle safely;

3 3. has a crash ~~an accident~~ record, conviction
4 record (criminal or traffic), physical, or mental
5 condition which is such that his operation of an
6 automobile might endanger the public safety;

7 4. has, within the 36 months prior to the notice of
8 cancellation, been addicted to the use of narcotics or
9 other drugs; or

10 5. has been convicted, or forfeited bail, during
11 the 36 months immediately preceding the notice of
12 cancellation, for any felony, criminal negligence
13 resulting in death, homicide or assault arising out of
14 the operation of a motor vehicle, operating a motor
15 vehicle while in an intoxicated condition or while
16 under the influence of drugs, being intoxicated while
17 in, or about, an automobile or while having custody of
18 an automobile, leaving the scene of a crash ~~an accident~~
19 without stopping to report, theft or unlawful taking of
20 a motor vehicle, making false statements in an
21 application for an operator's or chauffeur's license
22 or has been convicted or forfeited bail for 3 or more
23 violations within the 12 months immediately preceding
24 the notice of cancellation, of any law, ordinance, or
25 regulation limiting the speed of motor vehicles or any
26 of the provisions of the motor vehicle laws of any

1 state, violation of which constitutes a misdemeanor,
2 whether or not the violations were repetitions of the
3 same offense or different offenses;

4 g. The insured automobile is:

5 1. so mechanically defective that its operation
6 might endanger public safety;

7 2. used in carrying passengers for hire or
8 compensation (the use of an automobile for a car pool
9 shall not be considered use of an automobile for hire
10 or compensation);

11 3. used in the business of transportation of
12 flammables or explosives;

13 4. an authorized emergency vehicle;

14 5. changed in shape or condition during the policy
15 period so as to increase the risk substantially; or

16 6. subject to an inspection law and has not been
17 inspected or, if inspected, has failed to qualify.

18 Nothing in this Section shall apply to nonrenewal.

19 (Source: P.A. 100-201, eff. 8-18-17.)

20 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

21 Sec. 143.19.1. Limits on exercise of right of nonrenewal.
22 After a policy of automobile insurance, as defined in Section
23 143.13, has been effective or renewed for 5 or more years, the
24 company shall not exercise its right of non-renewal unless:

25 a. The policy was obtained through a material

1 misrepresentation; or

2 b. Any insured violated any of the terms and conditions of
3 the policy; or

4 c. The named insured failed to disclose fully his motor
5 vehicle crashes ~~accidents~~ and moving traffic violations for the
6 preceding 36 months, if such information is called for in the
7 application; or

8 d. Any insured made a false or fraudulent claim or
9 knowingly aided or abetted another in the presentation of such
10 a claim; or

11 e. The named insured or any other operator who either
12 resides in the same household or customarily operates an
13 automobile insured under such a policy:

14 1. Has, within the 12 months prior to the notice of
15 non-renewal had his drivers license under suspension or
16 revocation; or

17 2. Is or becomes subject to epilepsy or heart attacks,
18 and such individual does not produce a certificate from a
19 physician testifying to his unqualified ability to operate
20 a motor vehicle safely; or

21 3. Has a crash ~~an accident~~ record, conviction record
22 (criminal or traffic), or a physical or mental condition
23 which is such that his operation of an automobile might
24 endanger the public safety; or

25 4. Has, within the 36 months prior to the notice of
26 non-renewal, been addicted to the use of narcotics or other

1 drugs; or

2 5. Has been convicted or forfeited bail, during the 36
3 months immediately preceding the notice of non-renewal,
4 for any felony, criminal negligence resulting in death,
5 homicide or assault arising out of the operation of a motor
6 vehicle, operating a motor vehicle while in an intoxicated
7 condition or while under the influence of drugs, being
8 intoxicated while in or about an automobile or while having
9 custody of an automobile, leaving the scene of a crash ~~an~~
10 ~~accident~~ without stopping to report, theft or unlawful
11 taking of a motor vehicle, making false statements in an
12 application for an operators or chauffeurs license, or has
13 been convicted or forfeited bail for 3 or more violations
14 within the 12 months immediately preceding the notice of
15 non-renewal, of any law, ordinance or regulation limiting
16 the speed of motor vehicles or any of the provisions of the
17 motor vehicle laws of any state, violation of which
18 constitutes a misdemeanor, whether or not the violations
19 were repetitions of the same offense or different offenses;
20 or

21 f. The insured automobile is:

22 1. So mechanically defective that its operation might
23 endanger public safety; or

24 2. Used in carrying passengers for hire or compensation
25 (the use of an automobile for a car pool shall not be
26 considered use of an automobile for hire or compensation);

1 or

2 3. Used in the business of transportation of flammables
3 or explosives; or

4 4. An authorized emergency vehicle; or

5 5. Changed in shape or condition during the policy
6 period so as to increase the risk substantially; or

7 6. Subject to an inspection law and it has not been
8 inspected or, if inspected, has failed to qualify; or

9 g. The notice of the intention not to renew is mailed to
10 the insured at least 60 days before the date of nonrenewal as
11 provided in Section 143.17.

12 (Source: P.A. 89-669, eff. 1-1-97.)

13 (215 ILCS 5/143.19.3)

14 Sec. 143.19.3. Prohibition of rate increase for persons
15 involved in emergency use of vehicles.

16 (a) No insurer authorized to transact or transacting
17 business in this State, or controlling or controlled by or
18 under common control by or with an insurer authorized to
19 transact or transacting business in this State, that sells a
20 personal policy of automobile insurance in this State shall
21 increase the policy premium, cancel the policy, or refuse to
22 renew the policy solely because the insured or any other person
23 who customarily operates an automobile covered by the policy
24 has been involved in a crash ~~had an accident~~ while operating an
25 automobile in response to an emergency when the insured was

1 responding to a call to duty as a volunteer EMS provider, as
2 defined in Section 1-220 of the Illinois Vehicle Code.

3 (b) The provisions of subsection (a) also apply to all
4 personal umbrella policies.

5 (Source: P.A. 100-657, eff. 8-1-18.)

6 (215 ILCS 5/143.24b) (from Ch. 73, par. 755.24b)

7 Sec. 143.24b. Any insurer insuring any person or entity
8 against damages arising out of a vehicular crash ~~accident~~ shall
9 disclose the dollar amount of liability coverage under the
10 insured's personal private passenger automobile liability
11 insurance policy upon receipt of the following: (a) a certified
12 letter from a claimant or any attorney purporting to represent
13 any claimant which requests such disclosure and (b) a brief
14 description of the nature and extent of the injuries,
15 accompanied by a statement of the amount of medical bills
16 incurred to date and copies of medical records. The disclosure
17 shall be confidential and available only to the claimant, his
18 attorney and personnel in the office of the attorney entitled
19 to access to the claimant's files. The insurer shall forward
20 the information to the party requesting it by certified mail,
21 return receipt requested, within 30 days of receipt of the
22 request.

23 (Source: P.A. 85-1209.)

24 (215 ILCS 5/143.29) (from Ch. 73, par. 755.29)

1 Sec. 143.29. (a) The rates and premium charges for every
2 policy of automobile liability insurance shall include
3 appropriate reductions as determined by the insurer for any
4 insured over age 55 upon successful completion of the National
5 Safety Council's Defensive Driving Course or a motor vehicle
6 crash ~~accident~~ prevention course which is found by the
7 Secretary of State to meet or exceed the standards of the
8 National Safety Council's Defensive Driving Course's 8 hour
9 classroom safety instruction program.

10 (b) The premium reduction shall remain in effect for the
11 qualifying insured for a period of 3 years from the date of
12 successful completion of the crash ~~accident~~ prevention course,
13 except that the insurer may elect to apply the premium
14 reduction beginning either with the last effective date of the
15 policy or the next renewal date of the policy if the reduction
16 will result in a savings as though applied over a full 3 year
17 period. An insured who has completed the course of instruction
18 prior to July 1, 1982 shall receive the insurance premium
19 reduction for only the period remaining within the 3 years from
20 course completion. The period of premium reduction for an
21 insured who has repeated the crash ~~accident~~ prevention course
22 shall be based upon the last such course the insured has
23 successfully completed.

24 (c) Any crash ~~accident~~ prevention course approved by the
25 Secretary of State under this Section shall be taught by an
26 instructor approved by the Secretary of State, shall consist of

1 at least 8 hours of classroom instruction and shall provide for
2 a certificate of completion. Records of certification of course
3 completion shall be maintained in a manner acceptable to the
4 Secretary of State.

5 (d) Any person claiming eligibility for a rate or premium
6 reduction shall be responsible for providing to his insurance
7 company the information necessary to determine eligibility.

8 (e) This Section shall not apply to:

9 (1) any motor vehicle which is a part of a fleet or is used
10 for commercial purposes unless there is a regularly assigned
11 principal operator.

12 (2) any motor vehicle subject to a higher premium rate
13 because of the insured's previous motor vehicle claim
14 experience or to any motor vehicle whose principal operator has
15 been convicted of violating any of the motor vehicle laws of
16 this State, until that operator shall have maintained a driving
17 record free of crashes ~~accidents~~ and moving violations for a
18 continuous one year period, in which case such driver shall be
19 eligible for a reduction the remaining 2 years of the 3 year
20 period.

21 (3) any motor vehicle whose principal operator has had his
22 drivers license revoked or suspended for any reason by the
23 Secretary of State within the previous 36 months.

24 (4) any policy of group automobile insurance under which
25 premiums are broadly averaged for the group rather than
26 determined individually.

1 (Source: P.A. 82-920.)

2 (215 ILCS 5/143.32)

3 Sec. 143.32. Replacement of child restraint systems. A
4 policy of automobile insurance, as defined in Section 143.13,
5 that is amended, delivered, issued, or renewed after the
6 effective date of this amendatory Act of the 91st General
7 Assembly must include coverage for replacement of a child
8 restraint system that was in use by a child during a crash ~~an~~
9 ~~accident~~ to which coverage is applicable. As used in this
10 Section, "child restraint system" has the meaning given that
11 term in the Child Passenger Restraint Act.

12 (Source: P.A. 91-749, eff. 6-2-00.)

13 (215 ILCS 5/143a) (from Ch. 73, par. 755a)

14 Sec. 143a. Uninsured and hit and run motor vehicle
15 coverage.

16 (1) No policy insuring against loss resulting from
17 liability imposed by law for bodily injury or death suffered by
18 any person arising out of the ownership, maintenance or use of
19 a motor vehicle that is designed for use on public highways and
20 that is either required to be registered in this State or is
21 principally garaged in this State shall be renewed, delivered,
22 or issued for delivery in this State unless coverage is
23 provided therein or supplemental thereto, in limits for bodily
24 injury or death set forth in Section 7-203 of the Illinois

1 Vehicle Code for the protection of persons insured thereunder
2 who are legally entitled to recover damages from owners or
3 operators of uninsured motor vehicles and hit-and-run motor
4 vehicles because of bodily injury, sickness or disease,
5 including death, resulting therefrom. Uninsured motor vehicle
6 coverage does not apply to bodily injury, sickness, disease, or
7 death resulting therefrom, of an insured while occupying a
8 motor vehicle owned by, or furnished or available for the
9 regular use of the insured, a resident spouse or resident
10 relative, if that motor vehicle is not described in the policy
11 under which a claim is made or is not a newly acquired or
12 replacement motor vehicle covered under the terms of the
13 policy. The limits for any coverage for any vehicle under the
14 policy may not be aggregated with the limits for any similar
15 coverage, whether provided by the same insurer or another
16 insurer, applying to other motor vehicles, for purposes of
17 determining the total limit of insurance coverage available for
18 bodily injury or death suffered by a person in any one crash
19 ~~accident~~. No policy shall be renewed, delivered, or issued for
20 delivery in this State unless it is provided therein that any
21 dispute with respect to the coverage and the amount of damages
22 shall be submitted for arbitration to the American Arbitration
23 Association and be subject to its rules for the conduct of
24 arbitration hearings as to all matters except medical opinions.
25 As to medical opinions, if the amount of damages being sought
26 is equal to or less than the amount provided for in Section

1 7-203 of the Illinois Vehicle Code, then the current American
2 Arbitration Association Rules shall apply. If the amount being
3 sought in an American Arbitration Association case exceeds that
4 amount as set forth in Section 7-203 of the Illinois Vehicle
5 Code, then the Rules of Evidence that apply in the circuit
6 court for placing medical opinions into evidence shall govern.
7 Alternatively, disputes with respect to damages and the
8 coverage shall be determined in the following manner: Upon the
9 insured requesting arbitration, each party to the dispute shall
10 select an arbitrator and the 2 arbitrators so named shall
11 select a third arbitrator. If such arbitrators are not selected
12 within 45 days from such request, either party may request that
13 the arbitration be submitted to the American Arbitration
14 Association. Any decision made by the arbitrators shall be
15 binding for the amount of damages not exceeding \$75,000 for
16 bodily injury to or death of any one person, \$150,000 for
17 bodily injury to or death of 2 or more persons in any one motor
18 vehicle crash ~~accident~~, or the corresponding policy limits for
19 bodily injury or death, whichever is less. All 3-person
20 arbitration cases proceeding in accordance with any uninsured
21 motorist coverage conducted in this State in which the claimant
22 is only seeking monetary damages up to the limits set forth in
23 Section 7-203 of the Illinois Vehicle Code shall be subject to
24 the following rules:

25 (A) If at least 60 days' written notice of the
26 intention to offer the following documents in evidence is

1 given to every other party, accompanied by a copy of the
2 document, a party may offer in evidence, without foundation
3 or other proof:

4 (1) bills, records, and reports of hospitals,
5 doctors, dentists, registered nurses, licensed
6 practical nurses, physical therapists, and other
7 healthcare providers;

8 (2) bills for drugs, medical appliances, and
9 prostheses;

10 (3) property repair bills or estimates, when
11 identified and itemized setting forth the charges for
12 labor and material used or proposed for use in the
13 repair of the property;

14 (4) a report of the rate of earnings and time lost
15 from work or lost compensation prepared by an employer;

16 (5) the written opinion of an opinion witness, the
17 deposition of a witness, and the statement of a witness
18 that the witness would be allowed to express if
19 testifying in person, if the opinion or statement is
20 made by affidavit or by certification as provided in
21 Section 1-109 of the Code of Civil Procedure;

22 (6) any other document not specifically covered by
23 any of the foregoing provisions that is otherwise
24 admissible under the rules of evidence.

25 Any party receiving a notice under this paragraph (A)
26 may apply to the arbitrator or panel of arbitrators, as the

1 case may be, for the issuance of a subpoena directed to the
2 author or maker or custodian of the document that is the
3 subject of the notice, requiring the person subpoenaed to
4 produce copies of any additional documents as may be
5 related to the subject matter of the document that is the
6 subject of the notice. Any such subpoena shall be issued in
7 substantially similar form and served by notice as provided
8 by Illinois Supreme Court Rule 204(a)(4). Any such subpoena
9 shall be returnable not less than 5 days before the
10 arbitration hearing.

11 (B) Notwithstanding the provisions of Supreme Court
12 Rule 213(g), a party who proposes to use a written opinion
13 of an expert or opinion witness or the testimony of an
14 expert or opinion witness at the hearing may do so provided
15 a written notice of that intention is given to every other
16 party not less than 60 days prior to the date of hearing,
17 accompanied by a statement containing the identity of the
18 witness, his or her qualifications, the subject matter, the
19 basis of the witness's conclusions, and his or her opinion.

20 (C) Any other party may subpoena the author or maker of
21 a document admissible under this subsection, at that
22 party's expense, and examine the author or maker as if
23 under cross-examination. The provisions of Section 2-1101
24 of the Code of Civil Procedure shall be applicable to
25 arbitration hearings, and it shall be the duty of a party
26 requesting the subpoena to modify the form to show that the

1 appearance is set before an arbitration panel and to give
2 the time and place set for the hearing.

3 (D) The provisions of Section 2-1102 of the Code of
4 Civil Procedure shall be applicable to arbitration
5 hearings under this subsection.

6 (2) No policy insuring against loss resulting from
7 liability imposed by law for property damage arising out of the
8 ownership, maintenance, or use of a motor vehicle shall be
9 renewed, delivered, or issued for delivery in this State with
10 respect to any private passenger or recreational motor vehicle
11 that is designed for use on public highways and that is either
12 required to be registered in this State or is principally
13 garaged in this State and is not covered by collision insurance
14 under the provisions of such policy, unless coverage is made
15 available in the amount of the actual cash value of the motor
16 vehicle described in the policy or \$15,000 whichever is less,
17 subject to a \$250 deductible, for the protection of persons
18 insured thereunder who are legally entitled to recover damages
19 from owners or operators of uninsured motor vehicles and
20 hit-and-run motor vehicles because of property damage to the
21 motor vehicle described in the policy.

22 There shall be no liability imposed under the uninsured
23 motorist property damage coverage required by this subsection
24 if the owner or operator of the at-fault uninsured motor
25 vehicle or hit-and-run motor vehicle cannot be identified. This
26 subsection shall not apply to any policy which does not provide

1 primary motor vehicle liability insurance for liabilities
2 arising from the maintenance, operation, or use of a
3 specifically insured motor vehicle.

4 Each insurance company providing motor vehicle property
5 damage liability insurance shall advise applicants of the
6 availability of uninsured motor vehicle property damage
7 coverage, the premium therefor, and provide a brief description
8 of the coverage. That information need be given only once and
9 shall not be required in any subsequent renewal, reinstatement
10 or reissuance, substitute, amended, replacement or
11 supplementary policy. No written rejection shall be required,
12 and the absence of a premium payment for uninsured motor
13 vehicle property damage shall constitute conclusive proof that
14 the applicant or policyholder has elected not to accept
15 uninsured motorist property damage coverage.

16 An insurance company issuing uninsured motor vehicle
17 property damage coverage may provide that:

18 (i) Property damage losses recoverable thereunder
19 shall be limited to damages caused by the actual physical
20 contact of an uninsured motor vehicle with the insured
21 motor vehicle.

22 (ii) There shall be no coverage for loss of use of the
23 insured motor vehicle and no coverage for loss or damage to
24 personal property located in the insured motor vehicle.

25 (iii) Any claim submitted shall include the name and
26 address of the owner of the at-fault uninsured motor

1 vehicle, or a registration number and description of the
2 vehicle, or any other available information to establish
3 that there is no applicable motor vehicle property damage
4 liability insurance.

5 Any dispute with respect to the coverage and the amount of
6 damages shall be submitted for arbitration to the American
7 Arbitration Association and be subject to its rules for the
8 conduct of arbitration hearings or for determination in the
9 following manner: Upon the insured requesting arbitration,
10 each party to the dispute shall select an arbitrator and the 2
11 arbitrators so named shall select a third arbitrator. If such
12 arbitrators are not selected within 45 days from such request,
13 either party may request that the arbitration be submitted to
14 the American Arbitration Association. Any arbitration
15 proceeding under this subsection seeking recovery for property
16 damages shall be subject to the following rules:

17 (A) If at least 60 days' written notice of the
18 intention to offer the following documents in evidence is
19 given to every other party, accompanied by a copy of the
20 document, a party may offer in evidence, without foundation
21 or other proof:

22 (1) property repair bills or estimates, when
23 identified and itemized setting forth the charges for
24 labor and material used or proposed for use in the
25 repair of the property;

26 (2) the written opinion of an opinion witness, the

1 deposition of a witness, and the statement of a witness
2 that the witness would be allowed to express if
3 testifying in person, if the opinion or statement is
4 made by affidavit or by certification as provided in
5 Section 1-109 of the Code of Civil Procedure;

6 (3) any other document not specifically covered by
7 any of the foregoing provisions that is otherwise
8 admissible under the rules of evidence.

9 Any party receiving a notice under this paragraph (A)
10 may apply to the arbitrator or panel of arbitrators, as the
11 case may be, for the issuance of a subpoena directed to the
12 author or maker or custodian of the document that is the
13 subject of the notice, requiring the person subpoenaed to
14 produce copies of any additional documents as may be
15 related to the subject matter of the document that is the
16 subject of the notice. Any such subpoena shall be issued in
17 substantially similar form and served by notice as provided
18 by Illinois Supreme Court Rule 204(a)(4). Any such subpoena
19 shall be returnable not less than 5 days before the
20 arbitration hearing.

21 (B) Notwithstanding the provisions of Supreme Court
22 Rule 213(g), a party who proposes to use a written opinion
23 of an expert or opinion witness or the testimony of an
24 expert or opinion witness at the hearing may do so provided
25 a written notice of that intention is given to every other
26 party not less than 60 days prior to the date of hearing,

1 accompanied by a statement containing the identity of the
2 witness, his or her qualifications, the subject matter, the
3 basis of the witness's conclusions, and his or her opinion.

4 (C) Any other party may subpoena the author or maker of
5 a document admissible under this subsection, at that
6 party's expense, and examine the author or maker as if
7 under cross-examination. The provisions of Section 2-1101
8 of the Code of Civil Procedure shall be applicable to
9 arbitration hearings, and it shall be the duty of a party
10 requesting the subpoena to modify the form to show that the
11 appearance is set before an arbitration panel and to give
12 the time and place set for the hearing.

13 (D) The provisions of Section 2-1102 of the Code of
14 Civil Procedure shall be applicable to arbitration
15 hearings under this subsection.

16 (3) For the purpose of the coverage, the term "uninsured
17 motor vehicle" includes, subject to the terms and conditions of
18 the coverage, a motor vehicle where on, before, or after the
19 ~~accident~~ date of the crash the liability insurer thereof is
20 unable to make payment with respect to the legal liability of
21 its insured within the limits specified in the policy because
22 of the entry by a court of competent jurisdiction of an order
23 of rehabilitation or liquidation by reason of insolvency on or
24 after the ~~accident~~ date of the crash. An insurer's extension of
25 coverage, as provided in this subsection, shall be applicable
26 to all crashes ~~accidents~~ occurring after July 1, 1967 during a

1 policy period in which its insured's uninsured motor vehicle
2 coverage is in effect. Nothing in this Section may be construed
3 to prevent any insurer from extending coverage under terms and
4 conditions more favorable to its insureds than is required by
5 this Section.

6 (4) In the event of payment to any person under the
7 coverage required by this Section and subject to the terms and
8 conditions of the coverage, the insurer making the payment
9 shall, to the extent thereof, be entitled to the proceeds of
10 any settlement or judgment resulting from the exercise of any
11 rights of recovery of the person against any person or
12 organization legally responsible for the property damage,
13 bodily injury or death for which the payment is made, including
14 the proceeds recoverable from the assets of the insolvent
15 insurer. With respect to payments made by reason of the
16 coverage described in subsection (3), the insurer making such
17 payment shall not be entitled to any right of recovery against
18 the tortfeasor in excess of the proceeds recovered from the
19 assets of the insolvent insurer of the tortfeasor.

20 (5) This amendatory Act of 1967 (Laws of Illinois 1967,
21 page 875) shall not be construed to terminate or reduce any
22 insurance coverage or any right of any party under this Code in
23 effect before July 1, 1967. Public Act 86-1155 shall not be
24 construed to terminate or reduce any insurance coverage or any
25 right of any party under this Code in effect before its
26 effective date.

1 (6) Failure of the motorist from whom the claimant is
2 legally entitled to recover damages to file the appropriate
3 forms with the Safety Responsibility Section of the Department
4 of Transportation within 120 days of the ~~accident~~ date of the
5 crash shall create a rebuttable presumption that the motorist
6 was uninsured at the time of the injurious occurrence.

7 (7) An insurance carrier may upon good cause require the
8 insured to commence a legal action against the owner or
9 operator of an uninsured motor vehicle before good faith
10 negotiation with the carrier. If the action is commenced at the
11 request of the insurance carrier, the carrier shall pay to the
12 insured, before the action is commenced, all court costs, jury
13 fees and sheriff's fees arising from the action.

14 The changes made by Public Act 90-451 apply to all policies
15 of insurance amended, delivered, issued, or renewed on and
16 after January 1, 1998 (the effective date of Public Act
17 90-451).

18 (8) The changes made by Public Act 98-927 apply to all
19 policies of insurance amended, delivered, issued, or renewed on
20 and after January 1, 2015 (the effective date of Public Act
21 98-927).

22 (Source: P.A. 98-242, eff. 1-1-14; 98-927, eff. 1-1-15; 99-642,
23 eff. 7-28-16.)

24 (215 ILCS 5/143a-2) (from Ch. 73, par. 755a-2)

25 Sec. 143a-2. (1) Additional uninsured motor vehicle

1 coverage. No policy insuring against loss resulting from
2 liability imposed by law for bodily injury or death suffered by
3 any person arising out of the ownership, maintenance or use of
4 a motor vehicle shall be renewed or delivered or issued for
5 delivery in this State with respect to any motor vehicle
6 designed for use on public highways and required to be
7 registered in this State unless uninsured motorist coverage as
8 required in Section 143a of this Code is included in an amount
9 equal to the insured's bodily injury liability limits unless
10 specifically rejected by the insured as provided in paragraph
11 (2) of this Section. Each insurance company providing the
12 coverage must provide applicants with a brief description of
13 the coverage and advise them of their right to reject the
14 coverage in excess of the limits set forth in Section 7-203 of
15 the Illinois Vehicle Code. The provisions of this amendatory
16 Act of 1990 apply to policies of insurance applied for after
17 June 30, 1991.

18 (2) Right of rejection of additional uninsured motorist
19 coverage. Any named insured or applicant may reject additional
20 uninsured motorist coverage in excess of the limits set forth
21 in Section 7-203 of the Illinois Vehicle Code by making a
22 written request for limits of uninsured motorist coverage which
23 are less than bodily injury liability limits or a written
24 rejection of limits in excess of those required by law. This
25 election or rejection shall be binding on all persons insured
26 under the policy. In those cases where the insured has elected

1 to purchase limits of uninsured motorist coverage which are
2 less than bodily injury liability limits or to reject limits in
3 excess of those required by law, the insurer need not provide
4 in any renewal, reinstatement, reissuance, substitute,
5 amended, replacement or supplementary policy, coverage in
6 excess of that elected by the insured in connection with a
7 policy previously issued to such insured by the same insurer
8 unless the insured subsequently makes a written request for
9 such coverage.

10 (3) The original document indicating the applicant's
11 selection of uninsured motorist coverage limits shall
12 constitute sufficient evidence of the applicant's selection of
13 uninsured motorist coverage limits. For purposes of this
14 Section any reproduction of the document by means of
15 photograph, photostat, microfiche, computerized optical
16 imaging process, or other similar process or means of
17 reproduction shall be deemed the equivalent of the original
18 document.

19 (4) For the purpose of this Code the term "underinsured
20 motor vehicle" means a motor vehicle whose ownership,
21 maintenance or use has resulted in bodily injury or death of
22 the insured, as defined in the policy, and for which the sum of
23 the limits of liability under all bodily injury liability
24 insurance policies or under bonds or other security required to
25 be maintained under Illinois law applicable to the driver or to
26 the person or organization legally responsible for such vehicle

1 and applicable to the vehicle, is less than the limits for
2 underinsured coverage provided the insured as defined in the
3 policy at the time of the crash ~~accident~~. The limits of
4 liability for an insurer providing underinsured motorist
5 coverage shall be the limits of such coverage, less those
6 amounts actually recovered under the applicable bodily injury
7 insurance policies, bonds or other security maintained on the
8 underinsured motor vehicle.

9 On or after July 1, 1983, no policy insuring against loss
10 resulting from liability imposed by law for bodily injury or
11 death suffered by any person arising out of the ownership,
12 maintenance or use of a motor vehicle shall be renewed or
13 delivered or issued for delivery in this State with respect to
14 any motor vehicle designed for use on public highways and
15 required to be registered in this State unless underinsured
16 motorist coverage is included in such policy in an amount equal
17 to the total amount of uninsured motorist coverage provided in
18 that policy where such uninsured motorist coverage exceeds the
19 limits set forth in Section 7-203 of the Illinois Vehicle Code.

20 The changes made to this subsection (4) by this amendatory
21 Act of the 93rd General Assembly apply to policies issued or
22 renewed on or after December 1, 2004.

23 (5) Scope. Nothing herein shall prohibit an insurer from
24 setting forth policy terms and conditions which provide that if
25 the insured has coverage available under this Section under
26 more than one policy or provision of coverage, any recovery or

1 benefits may be equal to, but may not exceed, the higher of the
2 applicable limits of the respective coverage, and the limits of
3 liability under this Section shall not be increased because of
4 multiple motor vehicles covered under the same policy of
5 insurance. Insurers providing liability coverage on an excess
6 or umbrella basis are neither required to provide, nor are they
7 prohibited from offering or making available coverages
8 conforming to this Section on a supplemental basis.
9 Notwithstanding the provisions of this Section, an insurer
10 shall not be prohibited from solely providing a combination of
11 uninsured and underinsured motorist coverages where the limits
12 of liability under each coverage is in the same amount.

13 (6) Subrogation against underinsured motorists. No insurer
14 shall exercise any right of subrogation under a policy
15 providing additional uninsured motorist coverage against an
16 underinsured motorist where the insurer has been provided with
17 written notice in advance of a settlement between its insured
18 and the underinsured motorist and the insurer fails to advance
19 a payment to the insured, in an amount equal to the tentative
20 settlement, within 30 days following receipt of such notice.

21 (7) A policy which provides underinsured motor vehicle
22 coverage may include a clause which denies payment until the
23 limits of liability or portion thereof under all bodily injury
24 liability insurance policies applicable to the underinsured
25 motor vehicle and its operators have been partially or fully
26 exhausted by payment of judgment or settlement. A judgment or

1 settlement of the bodily injury claim in an amount less than
2 the limits of liability of the bodily injury coverages
3 applicable to the claim shall not preclude the claimant from
4 making an underinsured motorist claim against the underinsured
5 motorist coverage. Any such provision in a policy of insurance
6 shall be inapplicable if the insured, or the legal
7 representative of the insured, and the insurer providing
8 underinsured motor vehicle coverage agree that the insured has
9 suffered bodily injury or death as the result of the negligent
10 operation, maintenance, or use of an underinsured motor vehicle
11 and, without arbitration, agree also on the amount of damages
12 that the insured is legally entitled to collect. The maximum
13 amount payable pursuant to such an underinsured motor vehicle
14 insurance settlement agreement shall not exceed the amount by
15 which the limits of the underinsured motorist coverage exceed
16 the limits of the bodily injury liability insurance of the
17 owner or operator of the underinsured motor vehicle. Any such
18 agreement shall be final as to the amount due and shall be
19 binding upon both the insured and the underinsured motorist
20 insurer regardless of the amount of any judgment, or any
21 settlement reached between any insured and the person or
22 persons responsible for the crash ~~accident~~. No such settlement
23 agreement shall be concluded unless: (i) the insured has
24 complied with all other applicable policy terms and conditions;
25 and (ii) before the conclusion of the settlement agreement, the
26 insured has filed suit against the underinsured motor vehicle

1 owner or operator and has not abandoned the suit, or settled
2 the suit without preserving the rights of the insurer providing
3 underinsured motor vehicle coverage in the manner described in
4 paragraph (6) of this Section.

5 (Source: P.A. 93-762, eff. 7-16-04.)

6 Section 60. The Child Care Act of 1969 is amended by
7 changing Section 5.1 as follows:

8 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

9 Sec. 5.1. (a) The Department shall ensure that no day care
10 center, group home or child care institution as defined in this
11 Act shall on a regular basis transport a child or children with
12 any motor vehicle unless such vehicle is operated by a person
13 who complies with the following requirements:

14 1. is 21 years of age or older;

15 2. currently holds a valid driver's license, which has
16 not been revoked or suspended for one or more traffic
17 violations during the 3 years immediately prior to the date
18 of application;

19 3. demonstrates physical fitness to operate vehicles
20 by submitting the results of a medical examination
21 conducted by a licensed physician;

22 4. has not been convicted of more than 2 offenses
23 against traffic regulations governing the movement of
24 vehicles within a twelve month period;

1 5. has not been convicted of reckless driving or
2 driving under the influence or manslaughter or reckless
3 homicide resulting from the operation of a motor vehicle
4 within the past 3 years;

5 6. has signed and submitted a written statement
6 certifying that he has not, through the unlawful operation
7 of a motor vehicle, caused a crash ~~an accident~~ which
8 resulted in the death of any person within the 5 years
9 immediately prior to the date of application.

10 However, such day care centers, group homes and child care
11 institutions may provide for transportation of a child or
12 children for special outings, functions or purposes that are
13 not scheduled on a regular basis without verification that
14 drivers for such purposes meet the requirements of this
15 Section.

16 (a-5) As a means of ensuring compliance with the
17 requirements set forth in subsection (a), the Department shall
18 implement appropriate measures to verify that every individual
19 who is employed at a group home or child care institution meets
20 those requirements.

21 For every individual employed at a group home or child care
22 institution who regularly transports children in the course of
23 performing his or her duties, the Department must make the
24 verification every 2 years. Upon the Department's request, the
25 Secretary of State shall provide the Department with the
26 information necessary to enable the Department to make the

1 verifications required under subsection (a).

2 In the case of an individual employed at a group home or
3 child care institution who becomes subject to subsection (a)
4 for the first time after the effective date of this amendatory
5 Act of the 94th General Assembly, the Department must make that
6 verification with the Secretary of State before the individual
7 operates a motor vehicle to transport a child or children under
8 the circumstances described in subsection (a).

9 In the case of an individual employed at a group home or
10 child care institution who is subject to subsection (a) on the
11 effective date of this amendatory Act of the 94th General
12 Assembly, the Department must make that verification with the
13 Secretary of State within 30 days after that effective date.

14 If the Department discovers that an individual fails to
15 meet the requirements set forth in subsection (a), the
16 Department shall promptly notify the appropriate group home or
17 child care institution.

18 (b) Any individual who holds a valid Illinois school bus
19 driver permit issued by the Secretary of State pursuant to The
20 Illinois Vehicle Code, and who is currently employed by a
21 school district or parochial school, or by a contractor with a
22 school district or parochial school, to drive a school bus
23 transporting children to and from school, shall be deemed in
24 compliance with the requirements of subsection (a).

25 (c) The Department may, pursuant to Section 8 of this Act,
26 revoke the license of any day care center, group home or child

1 care institution that fails to meet the requirements of this
2 Section.

3 (d) A group home or child care institution that fails to
4 meet the requirements of this Section is guilty of a petty
5 offense and is subject to a fine of not more than \$1,000. Each
6 day that a group home or child care institution fails to meet
7 the requirements of this Section is a separate offense.

8 (Source: P.A. 94-943, eff. 1-1-07.)

9 Section 65. The Liquor Control Act of 1934 is amended by
10 changing Section 6-29.1 as follows:

11 (235 ILCS 5/6-29.1)

12 Sec. 6-29.1. Direct shipments of alcoholic liquor.

13 (a) The General Assembly makes the following findings:

14 (1) The General Assembly of Illinois, having reviewed
15 this Act in light of the United States Supreme Court's 2005
16 decision in *Granholm v. Heald*, has determined to conform
17 that law to the constitutional principles enunciated by the
18 Court in a manner that best preserves the temperance,
19 revenue, and orderly distribution values of this Act.

20 (2) Minimizing automobile crashes ~~accidents~~ and
21 fatalities, domestic violence, health problems, loss of
22 productivity, unemployment, and other social problems
23 associated with dependency and improvident use of
24 alcoholic beverages remains the policy of Illinois.

1 (3) To the maximum extent constitutionally feasible,
2 Illinois desires to collect sufficient revenue from excise
3 and use taxes on alcoholic beverages for the purpose of
4 responding to such social problems.

5 (4) Combined with family education and individual
6 discipline, retail validation of age, and assessment of the
7 capacity of the consumer remains the best pre-sale social
8 protection against the problems associated with the abuse
9 of alcoholic liquor.

10 (5) Therefore, the paramount purpose of this
11 amendatory Act is to continue to carefully limit direct
12 shipment sales of wine produced by makers of wine and to
13 continue to prohibit such direct shipment sales for spirits
14 and beer.

15 For these reasons, the Commission shall establish a system
16 to notify the out-of-state trade of this prohibition and to
17 detect violations. The Commission shall request the Attorney
18 General to extradite any offender.

19 (b) Pursuant to the Twenty-First Amendment of the United
20 States Constitution allowing states to regulate the
21 distribution and sale of alcoholic liquor and pursuant to the
22 federal Webb-Kenyon Act declaring that alcoholic liquor
23 shipped in interstate commerce must comply with state laws, the
24 General Assembly hereby finds and declares that selling
25 alcoholic liquor from a point outside this State through
26 various direct marketing means, such as catalogs, newspapers,

1 mailers, and the Internet, directly to residents of this State
2 poses a serious threat to the State's efforts to prevent youths
3 from accessing alcoholic liquor; to State revenue collections;
4 and to the economy of this State.

5 Any person manufacturing, distributing, or selling
6 alcoholic liquor who knowingly ships or transports or causes
7 the shipping or transportation of any alcoholic liquor from a
8 point outside this State to a person in this State who does not
9 hold a manufacturer's, distributor's, importing distributor's,
10 or non-resident dealer's license issued by the Liquor Control
11 Commission, other than a shipment of sacramental wine to a bona
12 fide religious organization, a shipment authorized by Section
13 6-29, subparagraph (17) of Section 3-12, or any other shipment
14 authorized by this Act, is in violation of this Act.

15 The Commission, upon determining, after investigation,
16 that a person has violated this Section, shall give notice to
17 the person by certified mail to cease and desist all shipments
18 of alcoholic liquor into this State and to withdraw from this
19 State within 5 working days after receipt of the notice all
20 shipments of alcoholic liquor then in transit. A person who
21 violates the cease and desist notice is subject to the
22 applicable penalties in subsection (a) of Section 10-1 of this
23 Act.

24 (Source: P.A. 99-904, eff. 1-1-17.)

25 Section 70. The Suicide Prevention, Education, and

1 Treatment Act is amended by changing Section 5 as follows:

2 (410 ILCS 53/5)

3 Sec. 5. Legislative findings. The General Assembly makes
4 the following findings:

5 (1) 1,474 Illinoisans lost their lives to suicide in
6 2017. During 2016, suicide was the eleventh leading cause
7 of death in Illinois, causing more deaths than homicide,
8 motor vehicle crashes ~~accidents~~, accidental falls, and
9 numerous prevalent diseases, including liver disease,
10 hypertension, influenza/pneumonia, Parkinson's disease,
11 and HIV. Suicide was the third leading cause of death of
12 ages 15 to 34 and the fourth leading cause of death of ages
13 35 to 54. Those living outside of urban areas are
14 particularly at risk for suicide, with a rate that is 50%
15 higher than those living in urban areas.

16 (2) For every person who dies by suicide, more than 30
17 others attempt suicide.

18 (3) Each suicide attempt and death impacts countless
19 other individuals. Family members, friends, co-workers,
20 and others in the community all suffer the long-lasting
21 consequences of suicidal behaviors.

22 (4) Suicide attempts and deaths by suicide have an
23 economic impact on Illinois. The National Center for Injury
24 Prevention and Control estimates that in 2010 each suicide
25 death in Illinois resulted in \$1,181,549 in medical costs

1 and work loss costs. It also estimated that each
2 hospitalization for self-harm resulted in \$31,019 in
3 medical costs and work loss costs and each emergency room
4 visit for self-harm resulted in \$4,546 in medical costs and
5 work loss costs.

6 (5) In 2004, the Illinois General Assembly passed the
7 Suicide Prevention, Education, and Treatment Act (Public
8 Act 93-907), which required the Illinois Department of
9 Public Health to establish the Illinois Suicide Prevention
10 Strategic Planning Committee to develop the Illinois
11 Suicide Prevention Strategic Plan. That law required the
12 use of the 2002 United States Surgeon General's National
13 Suicide Prevention Strategy as a model for the Plan. Public
14 Act 95-109 changed the name of the committee to the
15 Illinois Suicide Prevention Alliance. The Illinois Suicide
16 Prevention Strategic Plan was submitted in 2007 and updated
17 in 2018.

18 (6) In 2004, there were 1,028 suicide deaths in
19 Illinois, which the Centers for Disease Control reports was
20 an age-adjusted rate of 8.11 deaths per 100,000. The
21 Centers for Disease Control reports that the 1,474 suicide
22 deaths in 2017 result in an age-adjusted rate of 11.19
23 deaths per 100,000. Thus, since the enactment of Public Act
24 93-907, the rate of suicides in Illinois has risen by 38%.

25 (7) Since the enactment of Public Act 93-907, there
26 have been numerous developments in suicide prevention,

1 including the issuance of the 2012 National Strategy for
2 Suicide Prevention by the United States Surgeon General and
3 the National Action Alliance for Suicide Prevention
4 containing new strategies and recommended activities for
5 local governmental bodies.

6 (8) Despite the obvious impact of suicide on Illinois
7 citizens, Illinois has devoted minimal resources to its
8 prevention. There is no full-time coordinator or director
9 of suicide prevention activities in the State. Moreover,
10 the Suicide Prevention Strategic Plan is still modeled on
11 the now obsolete 2002 National Suicide Prevention
12 Strategy.

13 (9) It is necessary to revise the Suicide Prevention
14 Strategic Plan to reflect the most current National Suicide
15 Prevention Strategy as well as current research and
16 experience into the prevention of suicide.

17 (10) One of the goals adopted in the 2012 National
18 Strategy for Suicide Prevention is to promote suicide
19 prevention as a core component of health care services so
20 there is an active engagement of health and social
21 services, as well as the coordination of care across
22 multiple settings, thereby ensuring continuity of care and
23 promoting patient safety.

24 (11) Integrating suicide prevention into behavioral
25 and physical health care services can save lives. National
26 data indicate that: over 30% of individuals are receiving

1 mental health care at the time of their deaths by suicide;
2 45% have seen their primary care physicians within one
3 month of their deaths; and 25% of those who die of suicide
4 visited an emergency department in the year prior to their
5 deaths.

6 (12) The Zero Suicide model is a part of the National
7 Strategy for Suicide Prevention, a priority of the National
8 Action Alliance for Suicide Prevention, and a project of
9 the Suicide Prevention Resource Center that implements the
10 goal of making suicide prevention a core component of
11 health care services.

12 (13) The Zero Suicide model is built on the
13 foundational belief and aspirational goal that suicide
14 deaths of individuals who are under the care of our health
15 care systems are preventable with the adoption of
16 comprehensive training, patient engagement, transition,
17 and quality improvement.

18 (14) Health care systems, including mental and
19 behavioral health systems and hospitals, that have
20 implemented the Zero Suicide model have noted significant
21 reductions in suicide deaths for patients within their
22 care.

23 (15) The Suicide Prevention Resource Center
24 facilitates adoption of the Zero Suicide model by providing
25 comprehensive information, resources, and tools for its
26 implementation.

1 (Source: P.A. 101-331, eff. 8-9-19.)

2 Section 75. The Compassionate Use of Medical Cannabis
3 Program Act is amended by changing Section 5 as follows:

4 (410 ILCS 130/5)

5 Sec. 5. Findings.

6 (a) The recorded use of cannabis as a medicine goes back
7 nearly 5,000 years. Modern medical research has confirmed the
8 beneficial uses of cannabis in treating or alleviating the
9 pain, nausea, and other symptoms associated with a variety of
10 debilitating medical conditions, including cancer, multiple
11 sclerosis, and HIV/AIDS, as found by the National Academy of
12 Sciences' Institute of Medicine in March 1999.

13 (b) Studies published since the 1999 Institute of Medicine
14 report continue to show the therapeutic value of cannabis in
15 treating a wide array of debilitating medical conditions. These
16 include relief of the neuropathic pain caused by multiple
17 sclerosis, HIV/AIDS, and other illnesses that often fail to
18 respond to conventional treatments and relief of nausea,
19 vomiting, and other side effects of drugs used to treat
20 HIV/AIDS and hepatitis C, increasing the chances of patients
21 continuing on life-saving treatment regimens.

22 (c) Cannabis has many currently accepted medical uses in
23 the United States, having been recommended by thousands of
24 licensed physicians to at least 600,000 patients in states with

1 medical cannabis laws. The medical utility of cannabis is
2 recognized by a wide range of medical and public health
3 organizations, including the American Academy of HIV Medicine,
4 the American College of Physicians, the American Nurses
5 Association, the American Public Health Association, the
6 Leukemia & Lymphoma Society, and many others.

7 (d) Data from the Federal Bureau of Investigation's Uniform
8 Crime Reports and the Compendium of Federal Justice Statistics
9 show that approximately 99 out of every 100 cannabis arrests in
10 the U.S. are made under state law, rather than under federal
11 law. Consequently, changing State law will have the practical
12 effect of protecting from arrest the vast majority of seriously
13 ill patients who have a medical need to use cannabis.

14 (d-5) In 2014, the Task Force on Veterans' Suicide was
15 created by the Illinois General Assembly to gather data on
16 veterans' suicide prevention. Data from a U.S. Department of
17 Veterans Affairs study indicates that 22 veterans commit
18 suicide each day.

19 (d-10) According to the State of Illinois Opioid Action
20 Plan released in September 2017, "The opioid epidemic is the
21 most significant public health and public safety crisis facing
22 Illinois". According to the Action Plan, "Fueled by the growing
23 opioid epidemic, drug overdoses have now become the leading
24 cause of death nationwide for people under the age of 50. In
25 Illinois, opioid overdoses have killed nearly 11,000 people
26 since 2008. Just last year, nearly 1,900 people died of

1 overdoses—almost twice the number of fatal car crashes
2 ~~accidents~~. Beyond these deaths are thousands of emergency
3 department visits, hospital stays, as well as the pain suffered
4 by individuals, families, and communities".

5 According to the Action Plan, "At the current rate, the
6 opioid epidemic will claim the lives of more than 2,700
7 Illinoisans in 2020".

8 Further, the Action Plan states, "Physical tolerance to
9 opioids can begin to develop as early as two to three days
10 following the continuous use of opioids, which is a large
11 factor that contributes to their addictive potential".

12 The 2017 State of Illinois Opioid Action Plan also states,
13 "The increase in OUD [opioid use disorder] and opioid overdose
14 deaths is largely due to the dramatic rise in the rate and
15 amount of opioids prescribed for pain over the past decades".

16 Further, according to the Action Plan, "In the absence of
17 alternative treatments, reducing the supply of prescription
18 opioids too abruptly may drive more people to switch to using
19 illicit drugs (including heroin), thus increasing the risk of
20 overdose".

21 (e) Alaska, Arizona, California, Colorado, Connecticut,
22 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
23 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
24 Washington, and Washington, D.C. have removed state-level
25 criminal penalties from the medical use and cultivation of
26 cannabis. Illinois joins in this effort for the health and

1 welfare of its citizens.

2 (f) States are not required to enforce federal law or
3 prosecute people for engaging in activities prohibited by
4 federal law. Therefore, compliance with this Act does not put
5 the State of Illinois in violation of federal law.

6 (g) State law should make a distinction between the medical
7 and non-medical uses of cannabis. Hence, the purpose of this
8 Act is to protect patients with debilitating medical
9 conditions, as well as their physicians and providers, from
10 arrest and prosecution, criminal and other penalties, and
11 property forfeiture if the patients engage in the medical use
12 of cannabis.

13 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

14 Section 80. The Alternate Fuels Act is amended by changing
15 Section 30 as follows:

16 (415 ILCS 120/30)

17 Sec. 30. Rebate and grant program.

18 (a) Beginning January 1, 1997, and as long as funds are
19 available, each owner of an alternate fuel vehicle shall be
20 eligible to apply for a rebate. Beginning July 1, 2005, each
21 owner of a vehicle using domestic renewable fuel is eligible to
22 apply for a fuel cost differential rebate under item (3) of
23 this subsection. The Agency shall cause rebates to be issued
24 under the provisions of this Act. An owner may apply for only

1 one of 3 types of rebates with regard to an individual
2 alternate fuel vehicle: (i) a conversion cost rebate, (ii) an
3 OEM differential cost rebate, or (iii) a fuel cost differential
4 rebate. Only one rebate may be issued with regard to a
5 particular alternate fuel vehicle during the life of that
6 vehicle. A rebate shall not exceed \$4,000 per vehicle. Over the
7 life of this rebate program, an owner of an alternate fuel
8 vehicle or a vehicle using domestic renewable fuel may not
9 receive rebates for more than 150 vehicles per location or for
10 300 vehicles in total.

11 (1) A conversion cost rebate may be issued to an owner
12 or his or her designee in order to reduce the cost of
13 converting a conventional vehicle or a hybrid vehicle to an
14 alternate fuel vehicle. Conversion of a conventional
15 vehicle or a hybrid vehicle to alternate fuel capability
16 must take place in Illinois for the owner to be eligible
17 for the conversion cost rebate. Amounts spent by applicants
18 within a calendar year may be claimed on a rebate
19 application submitted within 12 months after the month in
20 which the conversion of the vehicle took place. Approved
21 conversion cost rebates applied for during or after
22 calendar year 1997 shall be 80% of all approved conversion
23 costs claimed and documented. Approval of conversion cost
24 rebates may continue after calendar year 2002, if funds are
25 still available. An applicant may include on an application
26 submitted in 1997 all amounts spent within that calendar

1 year on the conversion, even if the expenditure occurred
2 before promulgation of the Agency rules.

3 (2) An OEM differential cost rebate may be issued to an
4 owner or his or her designee in order to reduce the cost
5 differential between a conventional vehicle or engine and
6 the same vehicle or engine, produced by an original
7 equipment manufacturer, that has the capability to use
8 alternate fuels.

9 A new OEM vehicle or engine must be purchased in
10 Illinois and must either be an alternate fuel vehicle or
11 used in an alternate fuel vehicle, respectively, for the
12 owner to be eligible for an OEM differential cost rebate.
13 Large vehicles, over 8,500 pounds gross vehicle weight,
14 purchased outside Illinois are eligible for an OEM
15 differential cost rebate if the same or a comparable
16 vehicle is not available for purchase in Illinois. Amounts
17 spent by applicants within a calendar year may be claimed
18 on a rebate application submitted within 12 months after
19 the month in which the new OEM vehicle or engine was
20 purchased.

21 Approved OEM differential cost rebates applied for
22 during or after calendar year 1997 shall be 80% of all
23 approved cost differential claimed and documented.
24 Approval of OEM differential cost rebates may continue
25 after calendar year 2002, if funds are still available. An
26 applicant may include on an application submitted in 1997

1 all amounts spent within that calendar year on OEM
2 equipment, even if the expenditure occurred before
3 promulgation of the Agency rules.

4 (3) A fuel cost differential rebate may be issued to an
5 owner or his or her designee in order to reduce the cost
6 differential between conventional fuels and domestic
7 renewable fuels or alternate fuels purchased to operate an
8 alternate fuel vehicle. The fuel cost differential shall be
9 based on a 3-year life cycle cost analysis developed by the
10 Agency by rulemaking. The rebate shall apply to and be
11 payable during a consecutive 3-year period commencing on
12 the date the application is approved by the Agency.
13 Approved fuel cost differential rebates may be applied for
14 during or after calendar year 1997 and approved rebates
15 shall be 80% of the cost differential for a consecutive
16 3-year period. Approval of fuel cost differential rebates
17 may continue after calendar year 2002 if funds are still
18 available.

19 Twenty-five percent of the amount that is appropriated
20 under Section 40 to be used to fund programs authorized by
21 this Section during calendar year 2001 shall be designated
22 to fund fuel cost differential rebates. If the total dollar
23 amount of approved fuel cost differential rebate
24 applications as of July 1, 2001 is less than the amount
25 designated for that calendar year, the balance of
26 designated funds shall be immediately available to fund any

1 rebate authorized by this Section and approved in the
2 calendar year.

3 An approved fuel cost differential rebate shall be paid
4 to an owner in 3 annual installments on or about the
5 anniversary date of the approval of the application. Owners
6 receiving a fuel cost differential rebate shall be required
7 to demonstrate, through recordkeeping, the use of domestic
8 renewable fuels during the 3-year period commencing on the
9 date the application is approved by the Agency. If the
10 vehicle ceases to be registered to the original applicant
11 owner, a prorated installment shall be paid to that owner
12 or the owner's designee and the remainder of the rebate
13 shall be canceled.

14 (b) Vehicles owned by the federal government or vehicles
15 registered in a state outside Illinois are not eligible for
16 rebates.

17 (c) Through fiscal year 2013, the Agency may make grants to
18 one or more car sharing organizations located and operating in
19 Illinois for the purchase of new electric vehicles from an
20 Illinois car dealership. A grant may not exceed 25% of the
21 total project cost, including vehicles and supporting
22 infrastructure.

23 (1) Once in each fiscal year, a car sharing
24 organization may submit a grant proposal to the Agency. The
25 information in the proposal shall, at a minimum, consist of
26 the following:

1 (A) the name, address, and locations of the car
2 sharing organization and its operations within
3 Illinois;

4 (B) a description of the car sharing organization,
5 including the number and types of vehicles currently in
6 the fleet and how the vehicles are strategically
7 located to maximize their usage along with a summary of
8 the demographic populations being served;

9 (C) a summary of average miles per year driven by
10 the vehicles currently in the fleet;

11 (D) a narrative description of the project,
12 including the overall plans of the organization in
13 acquiring electric vehicles, the makes and models and
14 the number of electric vehicles that will be acquired
15 by the funding, estimated purchase costs for each
16 vehicle, how the vehicles will be refueled, and whether
17 the refueling locations are available to the public or
18 other entities, are private facilities solely used by
19 the organization, or a combination of both; and

20 (E) a detailed project budget, including the costs
21 of vehicles and supporting infrastructure.

22 (2) The Agency may award grants and set grant amounts,
23 provided that the total amount of the grants does not
24 exceed the Agency's estimate of the amount of the annual
25 appropriation remaining after all rebates have been
26 submitted and processed.

1 (3) In deciding whether to award a grant, the Agency
2 shall consider the overall level of environmental benefits
3 to be realized by the proposed project.

4 (4) Grant funds may only be used for purchasing
5 electric vehicles, and shall not exceed 25% of the actual
6 project expenditures. A vehicle purchased using grant
7 funds is not eligible for any rebate authorized by this
8 Section. The grant shall provide funding only for the base
9 Manufacturer's Suggested Retail Price (MSRP) of the
10 vehicle and its electric motors and drivetrain system as
11 depicted on the window sticker or similar documents, and is
12 not to include add-on options such as cabin-related product
13 or component upgrades and extended warranties.

14 (5) Within one year after the date of the grant award,
15 the grantee shall submit a final report to the Agency. If
16 there are grant funds unspent at that time, the remaining
17 money shall be returned to the Agency. The report shall
18 include the following information:

19 (A) the make, model, and model year of each
20 vehicle;

21 (B) the dates of vehicle purchases;

22 (C) the vehicle identification number (VIN);

23 (D) the license plate number and the state of
24 registration;

25 (E) a copy of each vehicle's window sticker or
26 similar document showing the base MSRP and all options;

1 (F) proof of payment and purchase invoices for the
2 vehicles showing the Illinois car dealership where the
3 vehicles were purchased; and

4 (G) a complete financial report for the project.

5 (6) Vehicles purchased with grant funds must remain
6 registered and in service with the grantee in Illinois for
7 a minimum of 5 years after purchase. If a vehicle is sold
8 or otherwise taken out of service in Illinois earlier than
9 that time, then the grantee shall refund to the Agency a
10 prorated amount of the grant funds used to purchase that
11 vehicle, except if a vehicle is replaced with a comparable
12 vehicle or can no longer be safely operated due to a crash
13 ~~an accident~~ or other damage.

14 (Source: P.A. 96-537, eff. 8-14-09; 96-1278, eff. 7-26-10;
15 97-90, eff. 7-11-11.)

16 Section 85. The Burn Injury Reporting Act is amended by
17 changing Section 5 as follows:

18 (425 ILCS 7/5)

19 Sec. 5. Burn injury reporting.

20 (a) Every case of a burn injury treated in a hospital as
21 described in this Act may be reported to the Office of the
22 State Fire Marshal. The hospital's administrator, manager,
23 superintendent, or his or her designee deciding to report under
24 this Act shall make an oral report of every burn injury in a

1 timely manner as soon as treatment permits, except as provided
2 in subsection (c) of this Section, that meets one of the
3 following criteria:

4 (1) a person receives a serious second-degree burn or a
5 third degree burn, but not a radiation burn, to 10% or more
6 of the person's body as a whole;

7 (2) a person sustains a burn to the upper respiratory
8 tract or occurring laryngeal edema due to the inhalation of
9 superheated air;

10 (3) a person sustains any burn injury likely to result
11 in death; or

12 (4) a person sustains any other burn injury not
13 excluded by subsection (c).

14 (b) The oral report shall consist of notification by
15 telephone to the Office of the State Fire Marshal using a
16 toll-free number established by the Office of the State Fire
17 Marshal for this purpose.

18 (c) A hospital's administrator, manager, superintendent,
19 or his or her designee deciding to report under this Act shall
20 not report any of the following burn injuries:

21 (1) a burn injury of an emergency medical responder, as
22 defined in Section 3.50 of the Emergency Medical Services
23 (EMS) Systems Act, sustained in the line of duty;

24 (2) a burn injury caused by lighting;

25 (3) a burn injury caused by a motor vehicle crash
26 ~~accident~~; or

1 (4) a burn injury caused by an identifiable industrial
2 accident or work-related accident.

3 (Source: P.A. 98-973, eff. 8-15-14.)

4 Section 90. The Illinois Public Health and Safety Animal
5 Population Control Act is amended by changing Section 5 as
6 follows:

7 (510 ILCS 92/5)

8 Sec. 5. Findings. The General Assembly finds the following:

9 (1) Controlling the dog and cat population would have a
10 significant benefit to the public health and safety by
11 aiding in the prevention of dog attacks, reducing the
12 number of dog and cat bite cases involving children, and
13 decreasing the number of automobile crashes ~~accidents~~
14 caused by stray dogs and cats.

15 (2) Increasing the number of rabies-vaccinated, owned
16 pets in low-income areas will reduce potential threats to
17 public health and safety from rabies.

18 (3) Controlling the dog and cat population will save
19 taxpayer dollars by reducing the number of dogs and cats
20 handled by county and municipal animal control agencies.
21 Targeted low-cost spay or neuter programs for dogs and cats
22 in select Illinois counties and other states have proven to
23 save taxpayers money.

24 (4) This Act is established to provide a variety of

1 means by which population control and rabies vaccinations
2 may be financed.

3 (Source: P.A. 94-639, eff. 8-22-05.)

4 Section 95. The Illinois Highway Code is amended by
5 changing Section 1-102 as follows:

6 (605 ILCS 5/1-102) (from Ch. 121, par. 1-102)

7 Sec. 1-102. It is the intent and declared policy of the
8 legislature that an integrated system of highways and streets
9 is essential to the general welfare and to the agricultural,
10 industrial, recreational, and social development of the State.
11 In view of the rapid growth of the State's economy and
12 increased use of public highways, the provision of safe and
13 efficient highway transportation is a matter of public concern.
14 It is the declared and continuous policy of the legislature to
15 provide for improvement of highways and the highway
16 transportation system as well as the preservation of investment
17 in highways. To that end it is intended to provide for
18 integrated and systematic planning and orderly development in
19 accordance with actual needs. It is further declared that the
20 provision of such a system with efficient management,
21 operation, and control, and the elimination of congestion,
22 crash ~~accident~~ reduction, and safety is an urgent problem and
23 proper objective of highway legislation. It is further declared
24 that highway transportation system development requires the

1 cooperation of State, county, township, and municipal highway
2 agencies and coordination of their activities on a continuous
3 and partnership basis and the legislature intends such
4 cooperative relationships to accomplish this purpose.

5 It is also the intent and declared policy of the
6 legislature that no public moneys derived from fees, excises or
7 license taxes relating to registration, operation and use of
8 vehicles on public highways or to fuels used for the propulsion
9 of such vehicles, shall be appropriated or expended other than
10 for costs of administering the laws imposing such fees, excises
11 and license taxes, statutory refunds and adjustments allowed
12 thereunder, highway administrative costs, payment of debts and
13 liabilities incurred in construction and reconstruction of
14 public highways and bridges, acquisition of rights-of-way for,
15 and the cost of construction, reconstruction, maintenance,
16 repair and operation of public highways and bridges under the
17 direction and supervision of the State, political subdivision
18 or municipality collecting such moneys, and the costs for
19 patrolling and policing the public highways (by State,
20 political subdivision or municipality collecting such money)
21 for enforcement of traffic laws. The separation of grades of
22 such highways with railroads and costs associated with
23 protection of at-grade highway and railroad crossings shall
24 also be permissible.

25 (Source: P.A. 81-2nd S.S.-3.)

1 Section 100. The Toll Highway Act is amended by changing
2 Section 19.1 as follows:

3 (605 ILCS 10/19.1)

4 Sec. 19.1. Confidentiality of personally identifiable
5 information obtained through electronic toll collection
6 system.

7 (a) For purposes of this Section:

8 "Electronic toll collection system" is a system where a
9 transponder, camera-based vehicle identification system, or
10 other electronic medium is used to deduct payment of a toll
11 from a subscriber's account or to establish an obligation to
12 pay a toll.

13 "Electronic toll collection system user" means any natural
14 person who subscribes to an electronic toll collection system
15 or any natural person who uses a tolled transportation facility
16 that employs the Authority's electronic toll collection
17 system.

18 "Personally identifiable information" means any
19 information that identifies or describes an electronic toll
20 collection system user, including but not limited to travel
21 pattern data, address, telephone number, e-mail address,
22 license plate number, photograph, bank account information, or
23 credit card number.

24 (b) Except as otherwise provided in this Section, the
25 Authority may not sell or otherwise provide to any person or

1 entity personally identifiable information of any electronic
2 toll collection system user that the Authority obtains through
3 the operation of its electronic toll collection system.

4 (c) The Authority may, within practical business and cost
5 constraints, store personally identifiable information of an
6 electronic toll collection system user only if the information
7 is required to perform account functions such as billing,
8 account settlement, or toll violation enforcement activities.

9 (d) By no later than December 31, 2011, the Authority shall
10 establish a privacy policy regarding the collection and use of
11 personally identifiable information. Upon its adoption, the
12 policy shall be posted on the Authority's website and a copy
13 shall be included with each transponder transmitted to a user.
14 The policy shall include but need not be limited to the
15 following:

16 (1) A description of the types of personally
17 identifiable information collected by the Authority.

18 (2) The categories of third-party persons or entities
19 with whom the Authority may share personally identifiable
20 information and for what purposes that information is
21 shared.

22 (3) The process by which the Authority notifies
23 electronic toll collection system users of material
24 changes to its privacy policy.

25 (4) The process by which an electronic toll collection
26 system user may review and request changes to any of his or

1 her personally identifiable information.

2 (5) The effective date of the privacy policy.

3 (e) This Section does not prohibit the Authority from:

4 (1) providing aggregated traveler information derived
5 from collective data relating to a group or category of
6 electronic toll collection system users from which
7 personally identifiable information has been removed;

8 (2) sharing data with another transportation agency or
9 third-party vendor to comply with interoperability
10 specifications and standards regarding electronic toll
11 collection devices and technologies, provided that the
12 other transportation agency or third-party vendor may not
13 use personally identifiable information obtained under
14 this Section for a purpose other than described in this
15 Section;

16 (3) performing financial, legal and accounting
17 functions such as billing, account settlement, toll
18 violation enforcement, or other activities required to
19 operate and manage its toll collection system;

20 (4) communicating about products and services offered
21 by itself, a business partner, or another public agency;

22 (5) using personally identifiable information in
23 research projects, provided that appropriate
24 confidentiality restrictions are employed to protect
25 against the unauthorized release of such information;

26 (6) releasing personally identifiable information in

1 response to a warrant, subpoena or lawful order from a
2 court of competent jurisdiction;

3 (7) releasing personally identifiable information to
4 law enforcement agencies in the case of an emergency when
5 obtaining a warrant or subpoena would be impractical; and

6 (8) releasing personally identifiable information to
7 the Authority's Inspector General or, at the Inspector
8 General's direction, to law enforcement agencies under
9 paragraphs (5) and (6) of subsection (f) of Section 8.5 of
10 this Act.

11 (f) In any agreement allowing another public entity to use
12 the Authority's toll collection system in a transportation
13 facility, the Authority shall require the other public entity
14 to comply with the requirements of this Section.

15 (g) Personally identifiable information generated through
16 the Authority's toll collection process that reveals the date,
17 time, location or direction of travel by an electronic toll
18 collection system user shall be exempt from release under the
19 Illinois Freedom of Information Act. The exemption in this
20 subsection shall not apply to information that concerns (i) the
21 public duties of public employees and officials; (ii) whether
22 an electronic toll collection system user has paid tolls; (iii)
23 whether the Authority is enforcing toll violation penalties
24 against electronic toll collection users who do not pay tolls;
25 (iv) crashes ~~accidents~~ or other incidents that occur on
26 highways under the jurisdiction of the Authority; or (v) the

1 obligation, receipt, and use of the funds of the Authority. The
2 exemption in this subsection (g) shall not be a limitation or
3 restriction on other Freedom of Information Act exemptions
4 applicable to personally identifiable information or private
5 information.

6 (Source: P.A. 97-342, eff. 8-12-11.)

7 Section 105. The Roadside Memorial Act is amended by
8 changing Section 23.1 as follows:

9 (605 ILCS 125/23.1)

10 Sec. 23.1. Fatal crash ~~accident~~ memorial marker program.

11 (a) The fatal crash ~~accident~~ memorial marker program is
12 intended to raise public awareness of reckless driving by
13 emphasizing the dangers while affording families an
14 opportunity to remember the victims of crashes involving
15 reckless drivers.

16 (b) As used in this Section, "fatal crash ~~accident~~ memorial
17 marker" means a marker on a highway in this State commemorating
18 one or more persons who died as a proximate result of a crash
19 caused by a driver who committed an act of reckless homicide in
20 violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961
21 or the Criminal Code of 2012 or who otherwise caused the death
22 of one or more persons through the operation of a motor
23 vehicle.

24 (c) For purposes of the fatal crash ~~accident~~ memorial

1 marker program in this Section, the provisions of Section 15 of
2 this Act applicable to DUI memorial markers shall apply the
3 same to fatal crash ~~accident~~ memorial markers.

4 (d) A fatal crash ~~accident~~ memorial marker shall consist of
5 a white on blue panel bearing the message "Reckless Driving
6 Costs Lives". At the request of the qualified relative, a
7 separate panel bearing the words "In Memory of (victim's
8 name)", followed by the date of the crash that was the
9 proximate cause of the loss of the victim's life, shall be
10 mounted below the primary panel.

11 (e) A fatal crash ~~accident~~ memorial marker may memorialize
12 more than one victim who died as a result of the same crash. If
13 one or more additional deaths subsequently occur in close
14 proximity to an existing fatal crash ~~accident~~ memorial marker,
15 the supporting jurisdiction may use the same marker to
16 memorialize the subsequent death or deaths, by adding the names
17 of the additional persons.

18 (f) A fatal crash ~~accident~~ memorial marker shall be
19 maintained for at least 2 years from the date the last person
20 was memorialized on the marker.

21 (g) The supporting jurisdiction has the right to install a
22 marker at a location other than the location of the crash or to
23 relocate a marker due to restricted room, property owner
24 complaints, interference with essential traffic control
25 devices, safety concerns, or other restrictions. In these
26 cases, the sponsoring jurisdiction may select an alternate

1 location.

2 (h) The Department shall secure the consent of any
3 municipality before placing a fatal crash ~~accident~~ memorial
4 marker within the corporate limits of the municipality.

5 (i) A fee in an amount to be determined by the supporting
6 jurisdiction shall be charged to the qualified relative. The
7 fee shall not exceed the costs associated with the fabrication,
8 installation, and maintenance of the fatal crash ~~accident~~
9 memorial marker.

10 (j) The provisions of this Section shall apply to any fatal
11 crash ~~accident~~ marker constructed on or after January 1, 2013.

12 (Source: P.A. 98-334, eff. 8-13-13.)

13 Section 110. The Illinois Vehicle Code is amended by
14 changing Sections 1-146.5, 1-159.2, 1-164.5, 1-187.001,
15 1-197.6, 2-118.1, 2-123, 4-203, 5-101, 5-101.1, 5-102,
16 5-102.8, 6-101, 6-106.1, 6-106.1a, 6-106.2, 6-106.3, 6-106.4,
17 6-107, 6-107.5, 6-108.1, 6-113, 6-117, 6-117.2, 6-201, 6-205,
18 6-206, 6-208.1, 6-303, 6-402, 6-420, 6-500, 6-500.2, 6-514,
19 6-516, 6-703, 6-1002, 6-1004, 6-1009, 7-201, 7-201.1, 7-201.2,
20 7-202, 7-203, 7-204, 7-208, 7-209, 7-211, 7-212, 7-214, 7-216,
21 7-303, 7-309, 7-310, 7-311, 7-316, 7-317, 7-328, 7-329, 7-502,
22 7-504, 7-604, 9-105, 10-201, 11-208.6, 11-208.9, 11-401,
23 11-402, 11-403, 11-404, 11-406, 11-407, 11-408, 11-409,
24 11-410, 11-411, 11-412, 11-413, 11-414, 11-415, 11-416,
25 11-417, 11-501, 11-501.1, 11-501.2, 11-501.4-1, 11-501.6,

1 11-501.7, 11-501.8, 11-506, 11-610, 11-1431, 12-215, 12-604.1,
2 12-610.1, 12-610.2, 12-707.01, 13-109, 13-111, 15-301, 16-108,
3 18a-301, 18b-105, 18b-108, 18c-6502, 18c-7402, and 20-202 and
4 the headings of Article II of Chapter 7 and Article IV of
5 Chapter 11 as follows:

6 (625 ILCS 5/1-146.5)

7 Sec. 1-146.5. Motor vehicle crash ~~accident~~ data. Any
8 information generated from a motor vehicle crash ~~accident~~
9 report or supplemental report, but shall not include a copy of
10 the motor vehicle crash ~~accident~~ report or supplemental report,
11 personally identifying information as defined in Section
12 1-159.2 of this Code, or any other information disclosure of
13 which is prohibited by law.

14 (Source: P.A. 100-96, eff. 1-1-18.)

15 (625 ILCS 5/1-159.2)

16 Sec. 1-159.2. Personally identifying information.
17 Information that identifies an individual, including his or her
18 driver's license number, name, address (but not the 5 digit zip
19 code), date of birth, height, weight, hair color, eye color,
20 email address, and telephone number, but "personally
21 identifying information" does not include information on
22 vehicular crashes ~~accidents~~, driving violations, and driver's
23 status.

24 (Source: P.A. 101-326, eff. 8-9-19.)

1 (625 ILCS 5/1-164.5)

2 Sec. 1-164.5. Proof of financial responsibility. Proof of
3 ability to respond in damages for any liability thereafter
4 incurred resulting from the ownership, maintenance, use or
5 operation of a motor vehicle for bodily injury to or death of
6 any person in the amount of \$25,000, and subject to this limit
7 for any one person injured or killed, in the amount of \$50,000
8 for bodily injury to or death of 2 or more persons in any one
9 crash ~~accident~~, and for damage to property in the amount of
10 \$20,000 resulting from any one crash ~~accident~~. This proof in
11 these amounts shall be furnished for each motor vehicle
12 registered by every person required to furnish this proof. The
13 changes to this Section made by this amendatory Act of the 98th
14 General Assembly apply only to policies issued or renewed on or
15 after January 1, 2015.

16 (Source: P.A. 98-519, eff. 1-1-15.)

17 (625 ILCS 5/1-187.001)

18 Sec. 1-187.001. Serious traffic violation.

19 (a) A conviction when operating a motor vehicle for:

20 (1) a violation of subsection (a) of Section 11-402,
21 relating to a motor vehicle crash ~~accident~~ involving damage
22 to a vehicle;

23 (2) a violation of Section 11-403, relating to failure
24 to stop and exchange information after a motor vehicle

1 collision, property damage only;

2 (3) a violation of subsection (a) of Section 11-502,
3 relating to illegal transportation, possession, or
4 carrying of alcoholic liquor within the passenger area of
5 any vehicle;

6 (4) a violation of Section 6-101 relating to operating
7 a motor vehicle without a valid license or permit;

8 (5) a violation of Section 11-403, relating to failure
9 to stop and exchange information or give aid after a motor
10 vehicle collision involving personal injury or death;

11 (6) a violation relating to excessive speeding,
12 involving a single speeding charge of 26 miles per hour or
13 more above the legal speed limit;

14 (7) a violation relating to reckless driving;

15 (8) a violation of subsection (d) of Section 11-707,
16 relating to passing in a no-passing zone;

17 (9) a violation of subsection (b) of Section 11-1402,
18 relating to limitations on backing upon a controlled access
19 highway;

20 (10) a violation of subsection (b) of Section 11-707,
21 relating to driving on the left side of a roadway in a
22 no-passing zone;

23 (11) a violation of subsection (e) of Section 11-1002,
24 relating to failure to yield the right-of-way to a
25 pedestrian at an intersection;

26 (12) a violation of Section 11-1008, relating to

1 failure to yield to a pedestrian on a sidewalk; or

2 (13) a violation of Section 11-1201, relating to
3 failure to stop for an approaching railroad train or
4 railroad track equipment or signals; or

5 (b) Any other similar violation of a law or local ordinance
6 of any state relating to motor vehicle traffic control, other
7 than a parking violation.

8 (c) A violation of any of these defined serious traffic
9 offenses shall not preclude the defendant from being eligible
10 to receive an order of court supervision under Section 5-6-1 of
11 the Unified Code of Corrections.

12 (Source: P.A. 98-511, eff. 1-1-14.)

13 (625 ILCS 5/1-197.6)

14 Sec. 1-197.6. Statutory summary revocation of driving
15 privileges. The revocation by the Secretary of State of a
16 person's license or privilege to operate a motor vehicle on the
17 public highways for the period provided in Section 6-208.1.
18 Reinstatement after the revocation period shall occur after the
19 person has been approved for reinstatement through an
20 administrative hearing with the Secretary of State, has filed
21 proof of financial responsibility, has paid the reinstatement
22 fee as provided in Section 6-118, and has successfully
23 completed all necessary examinations. The basis for this
24 revocation of driving privileges shall be the individual's
25 refusal to submit to or failure to complete a chemical test or

1 tests following an arrest for the offense of driving under the
2 influence of alcohol, other drugs, or intoxicating compounds,
3 or any combination thereof involving a motor vehicle crash
4 ~~accident~~ that caused personal injury or death to another, as
5 provided in Section 11-501.1 of this Code.

6 (Source: P.A. 96-1344, eff. 7-1-11.)

7 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

8 Sec. 2-118.1. Opportunity for hearing; statutory summary
9 alcohol or other drug related suspension or revocation pursuant
10 to Section 11-501.1.

11 (a) A statutory summary suspension or revocation of driving
12 privileges under Section 11-501.1 shall not become effective
13 until the person is notified in writing of the impending
14 suspension or revocation and informed that he may request a
15 hearing in the circuit court of venue under paragraph (b) of
16 this Section and the statutory summary suspension or revocation
17 shall become effective as provided in Section 11-501.1.

18 (b) Within 90 days after the notice of statutory summary
19 suspension or revocation served under Section 11-501.1, the
20 person may make a written request for a judicial hearing in the
21 circuit court of venue. The request to the circuit court shall
22 state the grounds upon which the person seeks to have the
23 statutory summary suspension or revocation rescinded. Within
24 30 days after receipt of the written request or the first
25 appearance date on the Uniform Traffic Ticket issued pursuant

1 to a violation of Section 11-501, or a similar provision of a
2 local ordinance, the hearing shall be conducted by the circuit
3 court having jurisdiction. This judicial hearing, request, or
4 process shall not stay or delay the statutory summary
5 suspension or revocation. The hearings shall proceed in the
6 court in the same manner as in other civil proceedings.

7 The hearing may be conducted upon a review of the law
8 enforcement officer's own official reports; provided however,
9 that the person may subpoena the officer. Failure of the
10 officer to answer the subpoena shall be considered grounds for
11 a continuance if in the court's discretion the continuance is
12 appropriate.

13 The scope of the hearing shall be limited to the issues of:

14 1. Whether the person was placed under arrest for an
15 offense as defined in Section 11-501, or a similar
16 provision of a local ordinance, as evidenced by the
17 issuance of a Uniform Traffic Ticket, or issued a Uniform
18 Traffic Ticket out of state as provided in subsection (a)
19 of Section 11-501.1; and

20 2. Whether the officer had reasonable grounds to
21 believe that the person was driving or in actual physical
22 control of a motor vehicle upon a highway while under the
23 influence of alcohol, other drug, or combination of both;
24 and

25 3. Whether the person, after being advised by the
26 officer that the privilege to operate a motor vehicle would

1 be suspended or revoked if the person refused to submit to
2 and complete the test or tests, did refuse to submit to or
3 complete the test or tests to determine the person's blood
4 alcohol or drug concentration; or

5 4. Whether the person, after being advised by the
6 officer that the privilege to operate a motor vehicle would
7 be suspended if the person submits to a chemical test, or
8 tests, and the test discloses an alcohol concentration of
9 0.08 or more, a tetrahydrocannabinol concentration as
10 defined in paragraph 6 of subsection (a) of Section
11 11-501.2 of this Code, or any amount of a drug, substance,
12 or compound in the person's blood, other bodily substance,
13 or urine resulting from the unlawful use or consumption of
14 a controlled substance listed in the Illinois Controlled
15 Substances Act, an intoxicating compound as listed in the
16 Use of Intoxicating Compounds Act, or methamphetamine as
17 listed in the Methamphetamine Control and Community
18 Protection Act, and the person did submit to and complete
19 the test or tests that determined an alcohol concentration
20 of 0.08 or more.

21 4.2. (Blank).

22 4.5. (Blank).

23 5. If the person's driving privileges were revoked,
24 whether the person was involved in a motor vehicle crash
25 ~~accident~~ that caused Type A injury or death to another.

26 Upon the conclusion of the judicial hearing, the circuit

1 court shall sustain or rescind the statutory summary suspension
2 or revocation and immediately notify the Secretary of State.
3 Reports received by the Secretary of State under this Section
4 shall be privileged information and for use only by the courts,
5 police officers, and Secretary of State.

6 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
7 99-697, eff. 7-29-16.)

8 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

9 Sec. 2-123. Sale and distribution of information.

10 (a) Except as otherwise provided in this Section, the
11 Secretary may make the driver's license, vehicle and title
12 registration lists, in part or in whole, and any statistical
13 information derived from these lists available to local
14 governments, elected state officials, state educational
15 institutions, and all other governmental units of the State and
16 Federal Government requesting them for governmental purposes.
17 The Secretary shall require any such applicant for services to
18 pay for the costs of furnishing such services and the use of
19 the equipment involved, and in addition is empowered to
20 establish prices and charges for the services so furnished and
21 for the use of the electronic equipment utilized.

22 (b) The Secretary is further empowered to and he may, in
23 his discretion, furnish to any applicant, other than listed in
24 subsection (a) of this Section, vehicle or driver data on a
25 computer tape, disk, other electronic format or computer

1 processable medium, or printout at a fixed fee of \$250 for
2 orders received before October 1, 2003 and \$500 for orders
3 received on or after October 1, 2003, in advance, and require
4 in addition a further sufficient deposit based upon the
5 Secretary of State's estimate of the total cost of the
6 information requested and a charge of \$25 for orders received
7 before October 1, 2003 and \$50 for orders received on or after
8 October 1, 2003, per 1,000 units or part thereof identified or
9 the actual cost, whichever is greater. The Secretary is
10 authorized to refund any difference between the additional
11 deposit and the actual cost of the request. This service shall
12 not be in lieu of an abstract of a driver's record nor of a
13 title or registration search. This service may be limited to
14 entities purchasing a minimum number of records as required by
15 administrative rule. The information sold pursuant to this
16 subsection shall be the entire vehicle or driver data list, or
17 part thereof. The information sold pursuant to this subsection
18 shall not contain personally identifying information unless
19 the information is to be used for one of the purposes
20 identified in subsection (f-5) of this Section. Commercial
21 purchasers of driver and vehicle record databases shall enter
22 into a written agreement with the Secretary of State that
23 includes disclosure of the commercial use of the information to
24 be purchased.

25 (b-1) The Secretary is further empowered to and may, in his
26 or her discretion, furnish vehicle or driver data on a computer

1 tape, disk, or other electronic format or computer processible
2 medium, at no fee, to any State or local governmental agency
3 that uses the information provided by the Secretary to transmit
4 data back to the Secretary that enables the Secretary to
5 maintain accurate driving records, including dispositions of
6 traffic cases. This information may be provided without fee not
7 more often than once every 6 months.

8 (c) Secretary of State may issue registration lists. The
9 Secretary of State may compile a list of all registered
10 vehicles. Each list of registered vehicles shall be arranged
11 serially according to the registration numbers assigned to
12 registered vehicles and may contain in addition the names and
13 addresses of registered owners and a brief description of each
14 vehicle including the serial or other identifying number
15 thereof. Such compilation may be in such form as in the
16 discretion of the Secretary of State may seem best for the
17 purposes intended.

18 (d) The Secretary of State shall furnish no more than 2
19 current available lists of such registrations to the sheriffs
20 of all counties and to the chiefs of police of all cities and
21 villages and towns of 2,000 population and over in this State
22 at no cost. Additional copies may be purchased by the sheriffs
23 or chiefs of police at the fee of \$500 each or at the cost of
24 producing the list as determined by the Secretary of State.
25 Such lists are to be used for governmental purposes only.

26 (e) (Blank).

1 (e-1) (Blank).

2 (f) The Secretary of State shall make a title or
3 registration search of the records of his office and a written
4 report on the same for any person, upon written application of
5 such person, accompanied by a fee of \$5 for each registration
6 or title search. The written application shall set forth the
7 intended use of the requested information. No fee shall be
8 charged for a title or registration search, or for the
9 certification thereof requested by a government agency. The
10 report of the title or registration search shall not contain
11 personally identifying information unless the request for a
12 search was made for one of the purposes identified in
13 subsection (f-5) of this Section. The report of the title or
14 registration search shall not contain highly restricted
15 personal information unless specifically authorized by this
16 Code.

17 The Secretary of State shall certify a title or
18 registration record upon written request. The fee for
19 certification shall be \$5 in addition to the fee required for a
20 title or registration search. Certification shall be made under
21 the signature of the Secretary of State and shall be
22 authenticated by Seal of the Secretary of State.

23 The Secretary of State may notify the vehicle owner or
24 registrant of the request for purchase of his title or
25 registration information as the Secretary deems appropriate.

26 No information shall be released to the requester until

1 expiration of a 10-day period. This 10-day period shall not
2 apply to requests for information made by law enforcement
3 officials, government agencies, financial institutions,
4 attorneys, insurers, employers, automobile associated
5 businesses, persons licensed as a private detective or firms
6 licensed as a private detective agency under the Private
7 Detective, Private Alarm, Private Security, Fingerprint
8 Vendor, and Locksmith Act of 2004, who are employed by or are
9 acting on behalf of law enforcement officials, government
10 agencies, financial institutions, attorneys, insurers,
11 employers, automobile associated businesses, and other
12 business entities for purposes consistent with the Illinois
13 Vehicle Code, the vehicle owner or registrant or other entities
14 as the Secretary may exempt by rule and regulation.

15 Any misrepresentation made by a requester of title or
16 vehicle information shall be punishable as a petty offense,
17 except in the case of persons licensed as a private detective
18 or firms licensed as a private detective agency which shall be
19 subject to disciplinary sanctions under Section 40-10 of the
20 Private Detective, Private Alarm, Private Security,
21 Fingerprint Vendor, and Locksmith Act of 2004.

22 (f-5) The Secretary of State shall not disclose or
23 otherwise make available to any person or entity any personally
24 identifying information obtained by the Secretary of State in
25 connection with a driver's license, vehicle, or title
26 registration record unless the information is disclosed for one

1 of the following purposes:

2 (1) For use by any government agency, including any
3 court or law enforcement agency, in carrying out its
4 functions, or any private person or entity acting on behalf
5 of a federal, State, or local agency in carrying out its
6 functions.

7 (2) For use in connection with matters of motor vehicle
8 or driver safety and theft; motor vehicle emissions; motor
9 vehicle product alterations, recalls, or advisories;
10 performance monitoring of motor vehicles, motor vehicle
11 parts, and dealers; and removal of non-owner records from
12 the original owner records of motor vehicle manufacturers.

13 (3) For use in the normal course of business by a
14 legitimate business or its agents, employees, or
15 contractors, but only:

16 (A) to verify the accuracy of personal information
17 submitted by an individual to the business or its
18 agents, employees, or contractors; and

19 (B) if such information as so submitted is not
20 correct or is no longer correct, to obtain the correct
21 information, but only for the purposes of preventing
22 fraud by, pursuing legal remedies against, or
23 recovering on a debt or security interest against, the
24 individual.

25 (4) For use in research activities and for use in
26 producing statistical reports, if the personally

1 identifying information is not published, redisclosed, or
2 used to contact individuals.

3 (5) For use in connection with any civil, criminal,
4 administrative, or arbitral proceeding in any federal,
5 State, or local court or agency or before any
6 self-regulatory body, including the service of process,
7 investigation in anticipation of litigation, and the
8 execution or enforcement of judgments and orders, or
9 pursuant to an order of a federal, State, or local court.

10 (6) For use by any insurer or insurance support
11 organization or by a self-insured entity or its agents,
12 employees, or contractors in connection with claims
13 investigation activities, antifraud activities, rating, or
14 underwriting.

15 (7) For use in providing notice to the owners of towed
16 or impounded vehicles.

17 (8) For use by any person licensed as a private
18 detective or firm licensed as a private detective agency
19 under the Private Detective, Private Alarm, Private
20 Security, Fingerprint Vendor, and Locksmith Act of 2004,
21 private investigative agency or security service licensed
22 in Illinois for any purpose permitted under this
23 subsection.

24 (9) For use by an employer or its agent or insurer to
25 obtain or verify information relating to a holder of a
26 commercial driver's license that is required under chapter

1 313 of title 49 of the United States Code.

2 (10) For use in connection with the operation of
3 private toll transportation facilities.

4 (11) For use by any requester, if the requester
5 demonstrates it has obtained the written consent of the
6 individual to whom the information pertains.

7 (12) For use by members of the news media, as defined
8 in Section 1-148.5, for the purpose of newsgathering when
9 the request relates to the operation of a motor vehicle or
10 public safety.

11 (13) For any other use specifically authorized by law,
12 if that use is related to the operation of a motor vehicle
13 or public safety.

14 (f-6) The Secretary of State shall not disclose or
15 otherwise make available to any person or entity any highly
16 restricted personal information obtained by the Secretary of
17 State in connection with a driver's license, vehicle, or title
18 registration record unless specifically authorized by this
19 Code.

20 (g) 1. The Secretary of State may, upon receipt of a
21 written request and a fee as set forth in Section 6-118,
22 furnish to the person or agency so requesting a driver's record
23 or data contained therein. Such document may include a record
24 of: current driver's license issuance information, except that
25 the information on judicial driving permits shall be available
26 only as otherwise provided by this Code; convictions; orders

1 entered revoking, suspending or cancelling a driver's license
2 or privilege; and notations of crash ~~accident~~ involvement. All
3 other information, unless otherwise permitted by this Code,
4 shall remain confidential. Information released pursuant to a
5 request for a driver's record shall not contain personally
6 identifying information, unless the request for the driver's
7 record was made for one of the purposes set forth in subsection
8 (f-5) of this Section. The Secretary of State may, without fee,
9 allow a parent or guardian of a person under the age of 18
10 years, who holds an instruction permit or graduated driver's
11 license, to view that person's driving record online, through a
12 computer connection. The parent or guardian's online access to
13 the driving record will terminate when the instruction permit
14 or graduated driver's license holder reaches the age of 18.

15 2. The Secretary of State shall not disclose or otherwise
16 make available to any person or entity any highly restricted
17 personal information obtained by the Secretary of State in
18 connection with a driver's license, vehicle, or title
19 registration record unless specifically authorized by this
20 Code. The Secretary of State may certify an abstract of a
21 driver's record upon written request therefor. Such
22 certification shall be made under the signature of the
23 Secretary of State and shall be authenticated by the Seal of
24 his office.

25 3. All requests for driving record information shall be
26 made in a manner prescribed by the Secretary and shall set

1 forth the intended use of the requested information.

2 The Secretary of State may notify the affected driver of
3 the request for purchase of his driver's record as the
4 Secretary deems appropriate.

5 No information shall be released to the requester until
6 expiration of a 10-day period. This 10-day period shall not
7 apply to requests for information made by law enforcement
8 officials, government agencies, financial institutions,
9 attorneys, insurers, employers, automobile associated
10 businesses, persons licensed as a private detective or firms
11 licensed as a private detective agency under the Private
12 Detective, Private Alarm, Private Security, Fingerprint
13 Vendor, and Locksmith Act of 2004, who are employed by or are
14 acting on behalf of law enforcement officials, government
15 agencies, financial institutions, attorneys, insurers,
16 employers, automobile associated businesses, and other
17 business entities for purposes consistent with the Illinois
18 Vehicle Code, the affected driver or other entities as the
19 Secretary may exempt by rule and regulation.

20 Any misrepresentation made by a requester of driver
21 information shall be punishable as a petty offense, except in
22 the case of persons licensed as a private detective or firms
23 licensed as a private detective agency which shall be subject
24 to disciplinary sanctions under Section 40-10 of the Private
25 Detective, Private Alarm, Private Security, Fingerprint
26 Vendor, and Locksmith Act of 2004.

1 4. The Secretary of State may furnish without fee, upon the
2 written request of a law enforcement agency, any information
3 from a driver's record on file with the Secretary of State when
4 such information is required in the enforcement of this Code or
5 any other law relating to the operation of motor vehicles,
6 including records of dispositions; documented information
7 involving the use of a motor vehicle; whether such individual
8 has, or previously had, a driver's license; and the address and
9 personal description as reflected on said driver's record.

10 5. Except as otherwise provided in this Section, the
11 Secretary of State may furnish, without fee, information from
12 an individual driver's record on file, if a written request
13 therefor is submitted by any public transit system or
14 authority, public defender, law enforcement agency, a state or
15 federal agency, or an Illinois local intergovernmental
16 association, if the request is for the purpose of a background
17 check of applicants for employment with the requesting agency,
18 or for the purpose of an official investigation conducted by
19 the agency, or to determine a current address for the driver so
20 public funds can be recovered or paid to the driver, or for any
21 other purpose set forth in subsection (f-5) of this Section.

22 The Secretary may also furnish the courts a copy of an
23 abstract of a driver's record, without fee, subsequent to an
24 arrest for a violation of Section 11-501 or a similar provision
25 of a local ordinance. Such abstract may include records of
26 dispositions; documented information involving the use of a

1 motor vehicle as contained in the current file; whether such
2 individual has, or previously had, a driver's license; and the
3 address and personal description as reflected on said driver's
4 record.

5 6. Any certified abstract issued by the Secretary of State
6 or transmitted electronically by the Secretary of State
7 pursuant to this Section, to a court or on request of a law
8 enforcement agency, for the record of a named person as to the
9 status of the person's driver's license shall be prima facie
10 evidence of the facts therein stated and if the name appearing
11 in such abstract is the same as that of a person named in an
12 information or warrant, such abstract shall be prima facie
13 evidence that the person named in such information or warrant
14 is the same person as the person named in such abstract and
15 shall be admissible for any prosecution under this Code and be
16 admitted as proof of any prior conviction or proof of records,
17 notices, or orders recorded on individual driving records
18 maintained by the Secretary of State.

19 7. Subject to any restrictions contained in the Juvenile
20 Court Act of 1987, and upon receipt of a proper request and a
21 fee as set forth in Section 6-118, the Secretary of State shall
22 provide a driver's record or data contained therein to the
23 affected driver, or the affected driver's attorney, upon
24 verification. Such record shall contain all the information
25 referred to in paragraph 1 of this subsection (g) plus: any
26 recorded crash ~~accident~~ involvement as a driver; information

1 recorded pursuant to subsection (e) of Section 6-117 and
2 paragraph (4) of subsection (a) of Section 6-204 of this Code.
3 All other information, unless otherwise permitted by this Code,
4 shall remain confidential.

5 (h) The Secretary shall not disclose social security
6 numbers or any associated information obtained from the Social
7 Security Administration except pursuant to a written request
8 by, or with the prior written consent of, the individual
9 except: (1) to officers and employees of the Secretary who have
10 a need to know the social security numbers in performance of
11 their official duties, (2) to law enforcement officials for a
12 civil or criminal law enforcement investigation, and if an
13 officer of the law enforcement agency has made a written
14 request to the Secretary specifying the law enforcement
15 investigation for which the social security numbers are being
16 sought, though the Secretary retains the right to require
17 additional verification regarding the validity of the request,
18 (3) to the United States Department of Transportation, or any
19 other State, pursuant to the administration and enforcement of
20 the Commercial Motor Vehicle Safety Act of 1986 or
21 participation in State-to-State verification service, (4)
22 pursuant to the order of a court of competent jurisdiction, (5)
23 to the Department of Healthcare and Family Services (formerly
24 Department of Public Aid) for utilization in the child support
25 enforcement duties assigned to that Department under
26 provisions of the Illinois Public Aid Code after the individual

1 has received advanced meaningful notification of what
2 redisclosure is sought by the Secretary in accordance with the
3 federal Privacy Act, (5.5) to the Department of Healthcare and
4 Family Services and the Department of Human Services solely for
5 the purpose of verifying Illinois residency where such
6 residency is an eligibility requirement for benefits under the
7 Illinois Public Aid Code or any other health benefit program
8 administered by the Department of Healthcare and Family
9 Services or the Department of Human Services, (6) to the
10 Illinois Department of Revenue solely for use by the Department
11 in the collection of any tax or debt that the Department of
12 Revenue is authorized or required by law to collect, provided
13 that the Department shall not disclose the social security
14 number to any person or entity outside of the Department, (7)
15 to the Illinois Department of Veterans' Affairs for the purpose
16 of confirming veteran status, or (8) the last 4 digits to the
17 Illinois State Board of Elections for purposes of voter
18 registration and as may be required pursuant to an agreement
19 for a multi-state voter registration list maintenance system.
20 If social security information is disclosed by the Secretary in
21 accordance with this Section, no liability shall rest with the
22 Office of the Secretary of State or any of its officers or
23 employees, as the information is released for official purposes
24 only.

25 (i) (Blank).

26 (j) Medical statements or medical reports received in the

1 Secretary of State's Office shall be confidential. Except as
2 provided in this Section, no confidential information may be
3 open to public inspection or the contents disclosed to anyone,
4 except officers and employees of the Secretary who have a need
5 to know the information contained in the medical reports and
6 the Driver License Medical Advisory Board, unless so directed
7 by an order of a court of competent jurisdiction. If the
8 Secretary receives a medical report regarding a driver that
9 does not address a medical condition contained in a previous
10 medical report, the Secretary may disclose the unaddressed
11 medical condition to the driver or his or her physician, or
12 both, solely for the purpose of submission of a medical report
13 that addresses the condition.

14 (k) Disbursement of fees collected under this Section shall
15 be as follows: (1) of the \$12 fee for a driver's record, \$3
16 shall be paid into the Secretary of State Special Services
17 Fund, and \$6 shall be paid into the General Revenue Fund; (2)
18 50% of the amounts collected under subsection (b) shall be paid
19 into the General Revenue Fund; and (3) all remaining fees shall
20 be disbursed under subsection (g) of Section 2-119 of this
21 Code.

22 (l) (Blank).

23 (m) Notations of crash ~~accident~~ involvement that may be
24 disclosed under this Section shall not include notations
25 relating to damage to a vehicle or other property being
26 transported by a tow truck. This information shall remain

1 confidential, provided that nothing in this subsection (m)
2 shall limit disclosure of any notification of crash ~~accident~~
3 involvement to any law enforcement agency or official.

4 (n) Requests made by the news media for driver's license,
5 vehicle, or title registration information may be furnished
6 without charge or at a reduced charge, as determined by the
7 Secretary, when the specific purpose for requesting the
8 documents is deemed to be in the public interest. Waiver or
9 reduction of the fee is in the public interest if the principal
10 purpose of the request is to access and disseminate information
11 regarding the health, safety, and welfare or the legal rights
12 of the general public and is not for the principal purpose of
13 gaining a personal or commercial benefit. The information
14 provided pursuant to this subsection shall not contain
15 personally identifying information unless the information is
16 to be used for one of the purposes identified in subsection
17 (f-5) of this Section.

18 (o) The redisclosure of personally identifying information
19 obtained pursuant to this Section is prohibited, except to the
20 extent necessary to effectuate the purpose for which the
21 original disclosure of the information was permitted.

22 (p) The Secretary of State is empowered to adopt rules to
23 effectuate this Section.

24 (Source: P.A. 100-590, eff. 6-8-18; 101-81, eff. 7-12-19;
25 101-326, eff. 8-9-19.)

1 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

2 Sec. 4-203. Removal of motor vehicles or other vehicles;
3 towing or hauling away.

4 (a) When a vehicle is abandoned, or left unattended, on a
5 toll highway, interstate highway, or expressway for 2 hours or
6 more, its removal by a towing service may be authorized by a
7 law enforcement agency having jurisdiction.

8 (b) When a vehicle is abandoned on a highway in an urban
9 district 10 hours or more, its removal by a towing service may
10 be authorized by a law enforcement agency having jurisdiction.

11 (c) When a vehicle is abandoned or left unattended on a
12 highway other than a toll highway, interstate highway, or
13 expressway, outside of an urban district for 24 hours or more,
14 its removal by a towing service may be authorized by a law
15 enforcement agency having jurisdiction.

16 (d) When an abandoned, unattended, wrecked, burned or
17 partially dismantled vehicle is creating a traffic hazard
18 because of its position in relation to the highway or its
19 physical appearance is causing the impeding of traffic, its
20 immediate removal from the highway or private property adjacent
21 to the highway by a towing service may be authorized by a law
22 enforcement agency having jurisdiction.

23 (e) Whenever a peace officer reasonably believes that a
24 person under arrest for a violation of Section 11-501 of this
25 Code or a similar provision of a local ordinance is likely,
26 upon release, to commit a subsequent violation of Section

1 11-501, or a similar provision of a local ordinance, the
2 arresting officer shall have the vehicle which the person was
3 operating at the time of the arrest impounded for a period of
4 12 hours after the time of arrest. However, such vehicle may be
5 released by the arresting law enforcement agency prior to the
6 end of the impoundment period if:

7 (1) the vehicle was not owned by the person under
8 arrest, and the lawful owner requesting such release
9 possesses a valid operator's license, proof of ownership,
10 and would not, as determined by the arresting law
11 enforcement agency, indicate a lack of ability to operate a
12 motor vehicle in a safe manner, or who would otherwise, by
13 operating such motor vehicle, be in violation of this Code;
14 or

15 (2) the vehicle is owned by the person under arrest,
16 and the person under arrest gives permission to another
17 person to operate such vehicle, provided however, that the
18 other person possesses a valid operator's license and would
19 not, as determined by the arresting law enforcement agency,
20 indicate a lack of ability to operate a motor vehicle in a
21 safe manner or who would otherwise, by operating such motor
22 vehicle, be in violation of this Code.

23 (e-5) Whenever a registered owner of a vehicle is taken
24 into custody for operating the vehicle in violation of Section
25 11-501 of this Code or a similar provision of a local ordinance
26 or Section 6-303 of this Code, a law enforcement officer may

1 have the vehicle immediately impounded for a period not less
2 than:

3 (1) 24 hours for a second violation of Section 11-501
4 of this Code or a similar provision of a local ordinance or
5 Section 6-303 of this Code or a combination of these
6 offenses; or

7 (2) 48 hours for a third violation of Section 11-501 of
8 this Code or a similar provision of a local ordinance or
9 Section 6-303 of this Code or a combination of these
10 offenses.

11 The vehicle may be released sooner if the vehicle is owned
12 by the person under arrest and the person under arrest gives
13 permission to another person to operate the vehicle and that
14 other person possesses a valid operator's license and would
15 not, as determined by the arresting law enforcement agency,
16 indicate a lack of ability to operate a motor vehicle in a safe
17 manner or would otherwise, by operating the motor vehicle, be
18 in violation of this Code.

19 (f) Except as provided in Chapter 18a of this Code, the
20 owner or lessor of privately owned real property within this
21 State, or any person authorized by such owner or lessor, or any
22 law enforcement agency in the case of publicly owned real
23 property may cause any motor vehicle abandoned or left
24 unattended upon such property without permission to be removed
25 by a towing service without liability for the costs of removal,
26 transportation or storage or damage caused by such removal,

1 transportation or storage. The towing or removal of any vehicle
2 from private property without the consent of the registered
3 owner or other legally authorized person in control of the
4 vehicle is subject to compliance with the following conditions
5 and restrictions:

6 1. Any towed or removed vehicle must be stored at the
7 site of the towing service's place of business. The site
8 must be open during business hours, and for the purpose of
9 redemption of vehicles, during the time that the person or
10 firm towing such vehicle is open for towing purposes.

11 2. The towing service shall within 30 minutes of
12 completion of such towing or removal, notify the law
13 enforcement agency having jurisdiction of such towing or
14 removal, and the make, model, color and license plate
15 number of the vehicle, and shall obtain and record the name
16 of the person at the law enforcement agency to whom such
17 information was reported.

18 3. If the registered owner or legally authorized person
19 entitled to possession of the vehicle shall arrive at the
20 scene prior to actual removal or towing of the vehicle, the
21 vehicle shall be disconnected from the tow truck and that
22 person shall be allowed to remove the vehicle without
23 interference, upon the payment of a reasonable service fee
24 of not more than one half the posted rate of the towing
25 service as provided in paragraph 6 of this subsection, for
26 which a receipt shall be given.

1 4. The rebate or payment of money or any other valuable
2 consideration from the towing service or its owners,
3 managers or employees to the owners or operators of the
4 premises from which the vehicles are towed or removed, for
5 the privilege of removing or towing those vehicles, is
6 prohibited. Any individual who violates this paragraph
7 shall be guilty of a Class A misdemeanor.

8 5. Except for property appurtenant to and obviously a
9 part of a single family residence, and except for instances
10 where notice is personally given to the owner or other
11 legally authorized person in control of the vehicle that
12 the area in which that vehicle is parked is reserved or
13 otherwise unavailable to unauthorized vehicles and they
14 are subject to being removed at the owner or operator's
15 expense, any property owner or lessor, prior to towing or
16 removing any vehicle from private property without the
17 consent of the owner or other legally authorized person in
18 control of that vehicle, must post a notice meeting the
19 following requirements:

20 a. Except as otherwise provided in subparagraph
21 a.1 of this subdivision (f)5, the notice must be
22 prominently placed at each driveway access or curb cut
23 allowing vehicular access to the property within 5 feet
24 from the public right-of-way line. If there are no
25 curbs or access barriers, the sign must be posted not
26 less than one sign each 100 feet of lot frontage.

1 a.1. In a municipality with a population of less
2 than 250,000, as an alternative to the requirement of
3 subparagraph a of this subdivision (f)5, the notice for
4 a parking lot contained within property used solely for
5 a 2-family, 3-family, or 4-family residence may be
6 prominently placed at the perimeter of the parking lot,
7 in a position where the notice is visible to the
8 occupants of vehicles entering the lot.

9 b. The notice must indicate clearly, in not less
10 than 2 inch high light-reflective letters on a
11 contrasting background, that unauthorized vehicles
12 will be towed away at the owner's expense.

13 c. The notice must also provide the name and
14 current telephone number of the towing service towing
15 or removing the vehicle.

16 d. The sign structure containing the required
17 notices must be permanently installed with the bottom
18 of the sign not less than 4 feet above ground level,
19 and must be continuously maintained on the property for
20 not less than 24 hours prior to the towing or removing
21 of any vehicle.

22 6. Any towing service that tows or removes vehicles and
23 proposes to require the owner, operator, or person in
24 control of the vehicle to pay the costs of towing and
25 storage prior to redemption of the vehicle must file and
26 keep on record with the local law enforcement agency a

1 complete copy of the current rates to be charged for such
2 services, and post at the storage site an identical rate
3 schedule and any written contracts with property owners,
4 lessors, or persons in control of property which authorize
5 them to remove vehicles as provided in this Section. The
6 towing and storage charges, however, shall not exceed the
7 maximum allowed by the Illinois Commerce Commission under
8 Section 18a-200.

9 7. No person shall engage in the removal of vehicles
10 from private property as described in this Section without
11 filing a notice of intent in each community where he
12 intends to do such removal, and such notice shall be filed
13 at least 7 days before commencing such towing.

14 8. No removal of a vehicle from private property shall
15 be done except upon express written instructions of the
16 owners or persons in charge of the private property upon
17 which the vehicle is said to be trespassing.

18 9. Vehicle entry for the purpose of removal shall be
19 allowed with reasonable care on the part of the person or
20 firm towing the vehicle. Such person or firm shall be
21 liable for any damages occasioned to the vehicle if such
22 entry is not in accordance with the standards of reasonable
23 care.

24 9.5. Except as authorized by a law enforcement officer,
25 no towing service shall engage in the removal of a
26 commercial motor vehicle that requires a commercial

1 driver's license to operate by operating the vehicle under
2 its own power on a highway.

3 10. When a vehicle has been towed or removed pursuant
4 to this Section, it must be released to its owner,
5 custodian, agent, or lienholder within one half hour after
6 requested, if such request is made during business hours.
7 Any vehicle owner, custodian, agent, or lienholder shall
8 have the right to inspect the vehicle before accepting its
9 return, and no release or waiver of any kind which would
10 release the towing service from liability for damages
11 incurred during the towing and storage may be required from
12 any vehicle owner or other legally authorized person as a
13 condition of release of the vehicle. A detailed, signed
14 receipt showing the legal name of the towing service must
15 be given to the person paying towing or storage charges at
16 the time of payment, whether requested or not.

17 This Section shall not apply to law enforcement,
18 firefighting, rescue, ambulance, or other emergency
19 vehicles which are marked as such or to property owned by
20 any governmental entity.

21 When an authorized person improperly causes a motor
22 vehicle to be removed, such person shall be liable to the
23 owner or lessee of the vehicle for the cost or removal,
24 transportation and storage, any damages resulting from the
25 removal, transportation and storage, attorney's fee and
26 court costs.

1 Any towing or storage charges accrued shall be payable
2 in cash or by cashier's check, certified check, debit card,
3 credit card, or wire transfer, at the option of the party
4 taking possession of the vehicle.

5 11. Towing companies shall also provide insurance
6 coverage for areas where vehicles towed under the
7 provisions of this Chapter will be impounded or otherwise
8 stored, and shall adequately cover loss by fire, theft or
9 other risks.

10 Any person who fails to comply with the conditions and
11 restrictions of this subsection shall be guilty of a Class C
12 misdemeanor and shall be fined not less than \$100 nor more than
13 \$500.

14 (g) (1) When a vehicle is determined to be a hazardous
15 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
16 Illinois Municipal Code or Section 5-12002.1 of the Counties
17 Code, its removal and impoundment by a towing service may be
18 authorized by a law enforcement agency with appropriate
19 jurisdiction.

20 (2) When a vehicle removal from either public or private
21 property is authorized by a law enforcement agency, the owner
22 of the vehicle shall be responsible for all towing and storage
23 charges.

24 (3) Vehicles removed from public or private property and
25 stored by a commercial vehicle relocator or any other towing
26 service authorized by a law enforcement agency in compliance

1 with this Section and Sections 4-201 and 4-202 of this Code, or
2 at the request of the vehicle owner or operator, shall be
3 subject to a possessor lien for services pursuant to the Labor
4 and Storage Lien (Small Amount) Act. The provisions of Section
5 1 of that Act relating to notice and implied consent shall be
6 deemed satisfied by compliance with Section 18a-302 and
7 subsection (6) of Section 18a-300. In no event shall such lien
8 be greater than the rate or rates established in accordance
9 with subsection (6) of Section 18a-200 of this Code. In no
10 event shall such lien be increased or altered to reflect any
11 charge for services or materials rendered in addition to those
12 authorized by this Code. Every such lien shall be payable in
13 cash or by cashier's check, certified check, debit card, credit
14 card, or wire transfer, at the option of the party taking
15 possession of the vehicle.

16 (4) Any personal property belonging to the vehicle owner in
17 a vehicle subject to a lien under this subsection (g) shall
18 likewise be subject to that lien, excepting only: child
19 restraint systems as defined in Section 4 of the Child
20 Passenger Protection Act and other child booster seats;
21 eyeglasses; food; medicine; perishable property; any
22 operator's licenses; any cash, credit cards, or checks or
23 checkbooks; any wallet, purse, or other property containing any
24 operator's license or other identifying documents or
25 materials, cash, credit cards, checks, or checkbooks; and any
26 personal property belonging to a person other than the vehicle

1 owner if that person provides adequate proof that the personal
2 property belongs to that person. The spouse, child, mother,
3 father, brother, or sister of the vehicle owner may claim
4 personal property excepted under this paragraph (4) if the
5 person claiming the personal property provides the commercial
6 vehicle relocater or towing service with the authorization of
7 the vehicle owner.

8 (5) This paragraph (5) applies only in the case of a
9 vehicle that is towed as a result of being involved in a crash
10 ~~an accident~~. In addition to the personal property excepted
11 under paragraph (4), all other personal property in a vehicle
12 subject to a lien under this subsection (g) is exempt from that
13 lien and may be claimed by the vehicle owner if the vehicle
14 owner provides the commercial vehicle relocater or towing
15 service with proof that the vehicle owner has an insurance
16 policy covering towing and storage fees. The spouse, child,
17 mother, father, brother, or sister of the vehicle owner may
18 claim personal property in a vehicle subject to a lien under
19 this subsection (g) if the person claiming the personal
20 property provides the commercial vehicle relocater or towing
21 service with the authorization of the vehicle owner and proof
22 that the vehicle owner has an insurance policy covering towing
23 and storage fees. The regulation of liens on personal property
24 and exceptions to those liens in the case of vehicles towed as
25 a result of being involved in a crash ~~an accident~~ are exclusive
26 powers and functions of the State. A home rule unit may not

1 regulate liens on personal property and exceptions to those
2 liens in the case of vehicles towed as a result of being
3 involved in a crash ~~an accident~~. This paragraph (5) is a denial
4 and limitation of home rule powers and functions under
5 subsection (h) of Section 6 of Article VII of the Illinois
6 Constitution.

7 (6) No lien under this subsection (g) shall: exceed \$2,000
8 in its total amount; or be increased or altered to reflect any
9 charge for services or materials rendered in addition to those
10 authorized by this Code.

11 (h) Whenever a peace officer issues a citation to a driver
12 for a violation of subsection (a) of Section 11-506 of this
13 Code, the arresting officer may have the vehicle which the
14 person was operating at the time of the arrest impounded for a
15 period of 5 days after the time of arrest. An impounding agency
16 shall release a motor vehicle impounded under this subsection
17 (h) to the registered owner of the vehicle under any of the
18 following circumstances:

19 (1) If the vehicle is a stolen vehicle; or

20 (2) If the person ticketed for a violation of
21 subsection (a) of Section 11-506 of this Code was not
22 authorized by the registered owner of the vehicle to
23 operate the vehicle at the time of the violation; or

24 (3) If the registered owner of the vehicle was neither
25 the driver nor a passenger in the vehicle at the time of
26 the violation or was unaware that the driver was using the

1 vehicle to engage in street racing; or

2 (4) If the legal owner or registered owner of the
3 vehicle is a rental car agency; or

4 (5) If, prior to the expiration of the impoundment
5 period specified above, the citation is dismissed or the
6 defendant is found not guilty of the offense.

7 (i) Except for vehicles exempted under subsection (b) of
8 Section 7-601 of this Code, whenever a law enforcement officer
9 issues a citation to a driver for a violation of Section 3-707
10 of this Code, and the driver has a prior conviction for a
11 violation of Section 3-707 of this Code in the past 12 months,
12 the arresting officer shall authorize the removal and
13 impoundment of the vehicle by a towing service.

14 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;
15 100-537, eff. 6-1-18; 100-863, eff. 8-14-18.)

16 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

17 Sec. 5-101. New vehicle dealers must be licensed.

18 (a) No person shall engage in this State in the business of
19 selling or dealing in, on consignment or otherwise, new
20 vehicles of any make, or act as an intermediary or agent or
21 broker for any licensed dealer or vehicle purchaser other than
22 as a salesperson, or represent or advertise that he is so
23 engaged or intends to so engage in such business unless
24 licensed to do so in writing by the Secretary of State under
25 the provisions of this Section.

1 (b) An application for a new vehicle dealer's license shall
2 be filed with the Secretary of State, duly verified by oath, on
3 such form as the Secretary of State may by rule or regulation
4 prescribe and shall contain:

5 1. The name and type of business organization of the
6 applicant and his established and additional places of
7 business, if any, in this State.

8 2. If the applicant is a corporation, a list of its
9 officers, directors, and shareholders having a ten percent
10 or greater ownership interest in the corporation, setting
11 forth the residence address of each; if the applicant is a
12 sole proprietorship, a partnership, an unincorporated
13 association, a trust, or any similar form of business
14 organization, the name and residence address of the
15 proprietor or of each partner, member, officer, director,
16 trustee, or manager.

17 3. The make or makes of new vehicles which the
18 applicant will offer for sale at retail in this State.

19 4. The name of each manufacturer or franchised
20 distributor, if any, of new vehicles with whom the
21 applicant has contracted for the sale of such new vehicles.
22 As evidence of this fact, the application shall be
23 accompanied by a signed statement from each such
24 manufacturer or franchised distributor. If the applicant
25 is in the business of offering for sale new conversion
26 vehicles, trucks or vans, except for trucks modified to

1 serve a special purpose which includes but is not limited
2 to the following vehicles: street sweepers, fertilizer
3 spreaders, emergency vehicles, implements of husbandry or
4 maintenance type vehicles, he must furnish evidence of a
5 sales and service agreement from both the chassis
6 manufacturer and second stage manufacturer.

7 5. A statement that the applicant has been approved for
8 registration under the Retailers' Occupation Tax Act by the
9 Department of Revenue: Provided that this requirement does
10 not apply to a dealer who is already licensed hereunder
11 with the Secretary of State, and who is merely applying for
12 a renewal of his license. As evidence of this fact, the
13 application shall be accompanied by a certification from
14 the Department of Revenue showing that that Department has
15 approved the applicant for registration under the
16 Retailers' Occupation Tax Act.

17 6. A statement that the applicant has complied with the
18 appropriate liability insurance requirement. A Certificate
19 of Insurance in a solvent company authorized to do business
20 in the State of Illinois shall be included with each
21 application covering each location at which he proposes to
22 act as a new vehicle dealer. The policy must provide
23 liability coverage in the minimum amounts of \$100,000 for
24 bodily injury to, or death of, any person, \$300,000 for
25 bodily injury to, or death of, two or more persons in any
26 one crash ~~accident~~, and \$50,000 for damage to property.

1 Such policy shall expire not sooner than December 31 of the
2 year for which the license was issued or renewed. The
3 expiration of the insurance policy shall not terminate the
4 liability under the policy arising during the period for
5 which the policy was filed. Trailer and mobile home dealers
6 are exempt from this requirement.

7 If the permitted user has a liability insurance policy
8 that provides automobile liability insurance coverage of
9 at least \$100,000 for bodily injury to or the death of any
10 person, \$300,000 for bodily injury to or the death of any 2
11 or more persons in any one crash ~~accident~~, and \$50,000 for
12 damage to property, then the permitted user's insurer shall
13 be the primary insurer and the dealer's insurer shall be
14 the secondary insurer. If the permitted user does not have
15 a liability insurance policy that provides automobile
16 liability insurance coverage of at least \$100,000 for
17 bodily injury to or the death of any person, \$300,000 for
18 bodily injury to or the death of any 2 or more persons in
19 any one crash ~~accident~~, and \$50,000 for damage to property,
20 or does not have any insurance at all, then the dealer's
21 insurer shall be the primary insurer and the permitted
22 user's insurer shall be the secondary insurer.

23 When a permitted user is "test driving" a new vehicle
24 dealer's automobile, the new vehicle dealer's insurance
25 shall be primary and the permitted user's insurance shall
26 be secondary.

1 As used in this paragraph 6, a "permitted user" is a
2 person who, with the permission of the new vehicle dealer
3 or an employee of the new vehicle dealer, drives a vehicle
4 owned and held for sale or lease by the new vehicle dealer
5 which the person is considering to purchase or lease, in
6 order to evaluate the performance, reliability, or
7 condition of the vehicle. The term "permitted user" also
8 includes a person who, with the permission of the new
9 vehicle dealer, drives a vehicle owned or held for sale or
10 lease by the new vehicle dealer for loaner purposes while
11 the user's vehicle is being repaired or evaluated.

12 As used in this paragraph 6, "test driving" occurs when
13 a permitted user who, with the permission of the new
14 vehicle dealer or an employee of the new vehicle dealer,
15 drives a vehicle owned and held for sale or lease by a new
16 vehicle dealer that the person is considering to purchase
17 or lease, in order to evaluate the performance,
18 reliability, or condition of the vehicle.

19 As used in this paragraph 6, "loaner purposes" means
20 when a person who, with the permission of the new vehicle
21 dealer, drives a vehicle owned or held for sale or lease by
22 the new vehicle dealer while the user's vehicle is being
23 repaired or evaluated.

24 7. (A) An application for a new motor vehicle dealer's
25 license shall be accompanied by the following license fees:

26 (i) \$1,000 for applicant's established place of

1 business, and \$100 for each additional place of
2 business, if any, to which the application pertains;
3 but if the application is made after June 15 of any
4 year, the license fee shall be \$500 for applicant's
5 established place of business plus \$50 for each
6 additional place of business, if any, to which the
7 application pertains. License fees shall be returnable
8 only in the event that the application is denied by the
9 Secretary of State. All moneys received by the
10 Secretary of State as license fees under this
11 subparagraph (i) prior to applications for the 2004
12 licensing year shall be deposited into the Motor
13 Vehicle Review Board Fund and shall be used to
14 administer the Motor Vehicle Review Board under the
15 Motor Vehicle Franchise Act. Of the money received by
16 the Secretary of State as license fees under this
17 subparagraph (i) for the 2004 licensing year and
18 thereafter, 10% shall be deposited into the Motor
19 Vehicle Review Board Fund and shall be used to
20 administer the Motor Vehicle Review Board under the
21 Motor Vehicle Franchise Act and 90% shall be deposited
22 into the General Revenue Fund.

23 (ii) Except for dealers selling 25 or fewer
24 automobiles or as provided in subsection (h) of Section
25 5-102.7 of this Code, an Annual Dealer Recovery Fund
26 Fee in the amount of \$500 for the applicant's

1 established place of business, and \$50 for each
2 additional place of business, if any, to which the
3 application pertains; but if the application is made
4 after June 15 of any year, the fee shall be \$250 for
5 the applicant's established place of business plus \$25
6 for each additional place of business, if any, to which
7 the application pertains. For a license renewal
8 application, the fee shall be based on the amount of
9 automobiles sold in the past year according to the
10 following formula:

11 (1) \$0 for dealers selling 25 or less
12 automobiles;

13 (2) \$150 for dealers selling more than 25 but
14 less than 200 automobiles;

15 (3) \$300 for dealers selling 200 or more
16 automobiles but less than 300 automobiles; and

17 (4) \$500 for dealers selling 300 or more
18 automobiles.

19 License fees shall be returnable only in the event
20 that the application is denied by the Secretary of
21 State. Moneys received under this subparagraph (ii)
22 shall be deposited into the Dealer Recovery Trust Fund.

23 (B) An application for a new vehicle dealer's license,
24 other than for a new motor vehicle dealer's license, shall
25 be accompanied by the following license fees:

26 (i) \$1,000 for applicant's established place of

1 business, and \$50 for each additional place of
2 business, if any, to which the application pertains;
3 but if the application is made after June 15 of any
4 year, the license fee shall be \$500 for applicant's
5 established place of business plus \$25 for each
6 additional place of business, if any, to which the
7 application pertains. License fees shall be returnable
8 only in the event that the application is denied by the
9 Secretary of State. Of the money received by the
10 Secretary of State as license fees under this
11 subparagraph (i) for the 2004 licensing year and
12 thereafter, 95% shall be deposited into the General
13 Revenue Fund.

14 (ii) Except as provided in subsection (h) of
15 Section 5-102.7 of this Code, an Annual Dealer Recovery
16 Fund Fee in the amount of \$500 for the applicant's
17 established place of business, and \$50 for each
18 additional place of business, if any, to which the
19 application pertains; but if the application is made
20 after June 15 of any year, the fee shall be \$250 for
21 the applicant's established place of business plus \$25
22 for each additional place of business, if any, to which
23 the application pertains. License fees shall be
24 returnable only in the event that the application is
25 denied by the Secretary of State. Moneys received under
26 this subparagraph (ii) shall be deposited into the

1 Dealer Recovery Trust Fund.

2 8. A statement that the applicant's officers,
3 directors, shareholders having a 10% or greater ownership
4 interest therein, proprietor, a partner, member, officer,
5 director, trustee, manager or other principals in the
6 business have not committed in the past 3 years any one
7 violation as determined in any civil, criminal or
8 administrative proceedings of any one of the following
9 Acts:

10 (A) The Anti-Theft Laws of the Illinois Vehicle
11 Code;

12 (B) The Certificate of Title Laws of the Illinois
13 Vehicle Code;

14 (C) The Offenses against Registration and
15 Certificates of Title Laws of the Illinois Vehicle
16 Code;

17 (D) The Dealers, Transporters, Wreckers and
18 Rebuilders Laws of the Illinois Vehicle Code;

19 (E) Section 21-2 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, Criminal Trespass to
21 Vehicles; or

22 (F) The Retailers' Occupation Tax Act.

23 9. A statement that the applicant's officers,
24 directors, shareholders having a 10% or greater ownership
25 interest therein, proprietor, partner, member, officer,
26 director, trustee, manager or other principals in the

1 business have not committed in any calendar year 3 or more
2 violations, as determined in any civil, criminal or
3 administrative proceedings, of any one or more of the
4 following Acts:

5 (A) The Consumer Finance Act;

6 (B) The Consumer Installment Loan Act;

7 (C) The Retail Installment Sales Act;

8 (D) The Motor Vehicle Retail Installment Sales
9 Act;

10 (E) The Interest Act;

11 (F) The Illinois Wage Assignment Act;

12 (G) Part 8 of Article XII of the Code of Civil
13 Procedure; or

14 (H) The Consumer Fraud Act.

15 9.5. A statement that, within 10 years of application,
16 each officer, director, shareholder having a 10% or greater
17 ownership interest therein, proprietor, partner, member,
18 officer, director, trustee, manager, or other principal in
19 the business of the applicant has not committed, as
20 determined in any civil, criminal, or administrative
21 proceeding, in any calendar year one or more forcible
22 felonies under the Criminal Code of 1961 or the Criminal
23 Code of 2012, or a violation of either or both Article 16
24 or 17 of the Criminal Code of 1961 or a violation of either
25 or both Article 16 or 17 of the Criminal Code of 2012,
26 Article 29B of the Criminal Code of 1961 or the Criminal

1 Code of 2012, or a similar out-of-state offense. For the
2 purposes of this paragraph, "forcible felony" has the
3 meaning provided in Section 2-8 of the Criminal Code of
4 2012.

5 10. A bond or certificate of deposit in the amount of
6 \$50,000 for each location at which the applicant intends to
7 act as a new vehicle dealer. The bond shall be for the term
8 of the license, or its renewal, for which application is
9 made, and shall expire not sooner than December 31 of the
10 year for which the license was issued or renewed. The bond
11 shall run to the People of the State of Illinois, with
12 surety by a bonding or insurance company authorized to do
13 business in this State. It shall be conditioned upon the
14 proper transmittal of all title and registration fees and
15 taxes (excluding taxes under the Retailers' Occupation Tax
16 Act) accepted by the applicant as a new vehicle dealer.

17 11. Such other information concerning the business of
18 the applicant as the Secretary of State may by rule or
19 regulation prescribe.

20 12. A statement that the applicant understands Chapter
21 1 through Chapter 5 of this Code.

22 (c) Any change which renders no longer accurate any
23 information contained in any application for a new vehicle
24 dealer's license shall be amended within 30 days after the
25 occurrence of such change on such form as the Secretary of
26 State may prescribe by rule or regulation, accompanied by an

1 amendatory fee of \$2.

2 (d) Anything in this Chapter 5 to the contrary
3 notwithstanding no person shall be licensed as a new vehicle
4 dealer unless:

5 1. He is authorized by contract in writing between
6 himself and the manufacturer or franchised distributor of
7 such make of vehicle to so sell the same in this State, and

8 2. Such person shall maintain an established place of
9 business as defined in this Act.

10 (e) The Secretary of State shall, within a reasonable time
11 after receipt, examine an application submitted to him under
12 this Section and unless he makes a determination that the
13 application submitted to him does not conform with the
14 requirements of this Section or that grounds exist for a denial
15 of the application, under Section 5-501 of this Chapter, grant
16 the applicant an original new vehicle dealer's license in
17 writing for his established place of business and a
18 supplemental license in writing for each additional place of
19 business in such form as he may prescribe by rule or regulation
20 which shall include the following:

21 1. The name of the person licensed;

22 2. If a corporation, the name and address of its
23 officers or if a sole proprietorship, a partnership, an
24 unincorporated association or any similar form of business
25 organization, the name and address of the proprietor or of
26 each partner, member, officer, director, trustee or

1 manager;

2 3. In the case of an original license, the established
3 place of business of the licensee;

4 4. In the case of a supplemental license, the
5 established place of business of the licensee and the
6 additional place of business to which such supplemental
7 license pertains;

8 5. The make or makes of new vehicles which the licensee
9 is licensed to sell.

10 (f) The appropriate instrument evidencing the license or a
11 certified copy thereof, provided by the Secretary of State,
12 shall be kept posted conspicuously in the established place of
13 business of the licensee and in each additional place of
14 business, if any, maintained by such licensee.

15 (g) Except as provided in subsection (h) hereof, all new
16 vehicle dealer's licenses granted under this Section shall
17 expire by operation of law on December 31 of the calendar year
18 for which they are granted unless sooner revoked or cancelled
19 under the provisions of Section 5-501 of this Chapter.

20 (h) A new vehicle dealer's license may be renewed upon
21 application and payment of the fee required herein, and
22 submission of proof of coverage under an approved bond under
23 the Retailers' Occupation Tax Act or proof that applicant is
24 not subject to such bonding requirements, as in the case of an
25 original license, but in case an application for the renewal of
26 an effective license is made during the month of December, the

1 effective license shall remain in force until the application
2 is granted or denied by the Secretary of State.

3 (i) All persons licensed as a new vehicle dealer are
4 required to furnish each purchaser of a motor vehicle:

5 1. In the case of a new vehicle a manufacturer's
6 statement of origin and in the case of a used motor vehicle
7 a certificate of title, in either case properly assigned to
8 the purchaser;

9 2. A statement verified under oath that all identifying
10 numbers on the vehicle agree with those on the certificate
11 of title or manufacturer's statement of origin;

12 3. A bill of sale properly executed on behalf of such
13 person;

14 4. A copy of the Uniform Invoice-transaction reporting
15 return referred to in Section 5-402 hereof;

16 5. In the case of a rebuilt vehicle, a copy of the
17 Disclosure of Rebuilt Vehicle Status; and

18 6. In the case of a vehicle for which the warranty has
19 been reinstated, a copy of the warranty.

20 (j) Except at the time of sale or repossession of the
21 vehicle, no person licensed as a new vehicle dealer may issue
22 any other person a newly created key to a vehicle unless the
23 new vehicle dealer makes a color photocopy or electronic scan
24 of the driver's license or State identification card of the
25 person requesting or obtaining the newly created key. The new
26 vehicle dealer must retain the photocopy or scan for 30 days.

1 A new vehicle dealer who violates this subsection (j) is
2 guilty of a petty offense. Violation of this subsection (j) is
3 not cause to suspend, revoke, cancel, or deny renewal of the
4 new vehicle dealer's license.

5 This amendatory Act of 1983 shall be applicable to the 1984
6 registration year and thereafter.

7 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;
8 101-505, eff. 1-1-20.)

9 (625 ILCS 5/5-101.1)

10 Sec. 5-101.1. Motor vehicle financing affiliates;
11 licensing.

12 (a) In this State no business shall engage in the business
13 of a motor vehicle financing affiliate without a license to do
14 so in writing from the Secretary of State.

15 (b) An application for a motor vehicle financing
16 affiliate's license must be filed with the Secretary of State,
17 duly verified by oath, on a form prescribed by the Secretary of
18 State and shall contain all of the following:

19 (1) The name and type of business organization of the
20 applicant and the applicant's established place of
21 business and any additional places of business in this
22 State.

23 (2) The name and address of the licensed new or used
24 vehicle dealer to which the applicant will be selling,
25 transferring, or assigning new or used motor vehicles

1 pursuant to a written contract. If more than one dealer is
2 on the application, the applicant shall state in writing
3 the basis of common ownership among the dealers.

4 (3) A list of the business organization's officers,
5 directors, members, and shareholders having a 10% or
6 greater ownership interest in the business, providing the
7 residential address for each person listed.

8 (4) If selling, transferring, or assigning new motor
9 vehicles, the make or makes of new vehicles that it will
10 sell, assign, or otherwise transfer to the contracting new
11 motor vehicle dealer listed on the application pursuant to
12 paragraph (2).

13 (5) The name of each manufacturer or franchised
14 distributor, if any, of new vehicles with whom the
15 applicant has contracted for the sale of new vehicles and a
16 signed statement from each manufacturer or franchised
17 distributor acknowledging the contract.

18 (6) A statement that the applicant has been approved
19 for registration under the Retailers' Occupation Tax Act by
20 the Department of Revenue. This requirement does not apply
21 to a motor vehicle financing affiliate that is already
22 licensed with the Secretary of State and is applying for a
23 renewal of its license.

24 (7) A statement that the applicant has complied with
25 the appropriate liability insurance requirement and a
26 Certificate of Insurance that shall not expire before

1 December 31 of the year for which the license was issued or
2 renewed with a minimum liability coverage of \$100,000 for
3 the bodily injury or death of any person, \$300,000 for the
4 bodily injury or death of 2 or more persons in any one
5 crash ~~accident~~, and \$50,000 for damage to property. The
6 expiration of the insurance policy shall not terminate the
7 liability under the policy arising during the period for
8 which the policy was filed. Trailer and mobile home dealers
9 are exempt from the requirements of this paragraph. A motor
10 vehicle financing affiliate is exempt from the
11 requirements of this paragraph if it is covered by the
12 insurance policy of the new or used dealer listed on the
13 application pursuant to paragraph (2).

14 (8) A license fee of \$1,000 for the applicant's
15 established place of business and \$250 for each additional
16 place of business, if any, to which the application
17 pertains. However, if the application is made after June 15
18 of any year, the license fee shall be \$500 for the
19 applicant's established place of business and \$125 for each
20 additional place of business, if any, to which the
21 application pertains. These license fees shall be
22 returnable only in the event that the application is denied
23 by the Secretary of State.

24 (9) A statement incorporating the requirements of
25 paragraphs 8 and 9 of subsection (b) of Section 5-101.

26 (10) Any other information concerning the business of

1 the applicant as the Secretary of State may prescribe.

2 (11) A statement that the applicant understands
3 Chapter 1 through Chapter 5 of this Code.

4 (c) Any change which renders no longer accurate any
5 information contained in any application for a motor vehicle
6 financing affiliate's license shall be amended within 30 days
7 after the occurrence of the change on a form prescribed by the
8 Secretary of State, accompanied by an amendatory fee of \$2.

9 (d) If a new vehicle dealer is not listed on the
10 application, pursuant to paragraph (2) of subsection (b), the
11 motor vehicle financing affiliate shall not receive, possess,
12 or transfer any new vehicle. If a new motor vehicle dealer is
13 listed on the application, pursuant to paragraph (2) of
14 subsection (b), the new motor vehicle dealer can only receive
15 those new cars it is permitted to receive under its franchise
16 agreement. If both a new and used motor vehicle dealer are
17 listed on the application, pursuant to paragraph (2) of
18 subsection (b), only the new motor vehicle dealer may receive
19 new motor vehicles. If a used motor vehicle is listed on the
20 application, pursuant to paragraph (2) of subsection (b), the
21 used motor vehicle dealer shall not receive any new motor
22 vehicles.

23 (e) The applicant and dealer provided pursuant to paragraph
24 (2) of subsection (b) must be business organizations registered
25 to conduct business in Illinois. Three-fourths of the dealer's
26 board of directors must be members of the motor vehicle

1 financing affiliate's board of directors, if applicable.

2 (f) Unless otherwise provided in this Chapter 5, no
3 business organization registered to do business in Illinois
4 shall be licensed as a motor vehicle financing affiliate
5 unless:

6 (1) The motor vehicle financing affiliate shall only
7 sell, transfer, or assign motor vehicles to the licensed
8 new or used dealer listed on the application pursuant to
9 paragraph (2) of subsection (b).

10 (2) The motor vehicle financing affiliate sells,
11 transfers, or assigns to the new motor vehicle dealer
12 listed on the application, if any, only those new motor
13 vehicles the motor vehicle financing affiliate has
14 received under the contract set forth in paragraph (5) of
15 subsection (b).

16 (3) Any new vehicle dealer listed pursuant to paragraph
17 (2) of subsection (b) has a franchise agreement that
18 permits the dealer to receive motor vehicles from the motor
19 vehicle franchise affiliate.

20 (4) The new or used motor vehicle dealer listed on the
21 application pursuant to paragraph (2) of subsection (b) has
22 one established place of business or supplemental places of
23 business as referenced in subsection (g).

24 (g) The Secretary of State shall, within a reasonable time
25 after receipt, examine an application submitted pursuant to
26 this Section and, unless it is determined that the application

1 does not conform with the requirements of this Section or that
2 grounds exist for a denial of the application under Section
3 5-501, grant the applicant a motor vehicle financing affiliate
4 license in writing for the applicant's established place of
5 business and a supplemental license in writing for each
6 additional place of business in a form prescribed by the
7 Secretary, which shall include all of the following:

8 (1) The name of the business licensed;

9 (2) The name and address of its officers, directors, or
10 members, as applicable;

11 (3) In the case of an original license, the established
12 place of business of the licensee; and

13 (4) If applicable, the make or makes of new vehicles
14 which the licensee is licensed to sell to the new motor
15 vehicle dealer listed on the application pursuant to
16 paragraph (2) of subsection (b).

17 (h) The appropriate instrument evidencing the license or a
18 certified copy, provided by the Secretary of State, shall be
19 kept posted conspicuously in the established place of business
20 of the licensee.

21 (i) Except as provided in subsection (h), all motor vehicle
22 financing affiliate's licenses granted under this Section
23 shall expired by operation of law on December 31 of the
24 calendar year for which they are granted, unless revoked or
25 canceled at an earlier date pursuant to Section 5-501.

26 (j) A motor vehicle financing affiliate's license may be

1 renewed upon application and payment of the required fee.
2 However, when an application for renewal of a motor vehicle
3 financing affiliate's license is made during the month of
4 December, the effective license shall remain in force until the
5 application is granted or denied by the Secretary of State.

6 (k) The contract a motor vehicle financing affiliate has
7 with a manufacturer or franchised distributor, as provided in
8 paragraph (5) of subsection (b), shall only permit the
9 applicant to sell, transfer, or assign new motor vehicles to
10 the new motor vehicle dealer listed on the application pursuant
11 to paragraph (2) of subsection (b). The contract shall
12 specifically prohibit the motor vehicle financing affiliate
13 from selling motor vehicles at retail. This contract shall not
14 be considered the granting of a franchise as defined in Section
15 2 of the Motor Vehicle Franchise Act.

16 (l) When purchasing of a motor vehicle by a new or used
17 motor vehicle dealer, all persons licensed as a motor vehicle
18 financing affiliate are required to furnish all of the
19 following:

20 (1) For a new vehicle, a manufacturer's statement of
21 origin properly assigned to the purchasing dealer. For a
22 used vehicle, a certificate of title properly assigned to
23 the purchasing dealer.

24 (2) A statement verified under oath that all
25 identifying numbers on the vehicle agree with those on the
26 certificate of title or manufacturer's statement of

1 origin.

2 (3) A bill of sale properly executed on behalf of the
3 purchasing dealer.

4 (4) A copy of the Uniform Invoice-transaction report
5 pursuant to Section 5-402.

6 (5) In the case of a rebuilt vehicle, a copy of the
7 Disclosure of Rebuilt Vehicle Status pursuant to Section
8 5-104.3.

9 (6) In the case of a vehicle for which a warranty has
10 been reinstated, a copy of the warranty.

11 (m) The motor vehicle financing affiliate shall use the
12 established and supplemental place or places of business the
13 new or used vehicle dealer listed on the application pursuant
14 to paragraph (2) of subsection (b) as its established and
15 supplemental place or places of business.

16 (n) The motor vehicle financing affiliate shall keep all
17 books and records required by this Code with the books and
18 records of the new or used vehicle dealer listed on the
19 application pursuant to paragraph (2) of subsection (b). The
20 motor vehicle financing affiliate may use the books and records
21 of the new or used motor vehicle dealer listed on the
22 application pursuant to paragraph (2) of subsection (b).

23 (o) Under no circumstances shall a motor vehicle financing
24 affiliate sell, transfer, or assign a new vehicle to any place
25 of business of a new motor vehicle dealer, unless that place of
26 business is licensed under this Chapter to sell, assign, or

1 otherwise transfer the make of the new motor vehicle
2 transferred.

3 (p) All moneys received by the Secretary of State as
4 license fees under this Section shall be deposited into the
5 Motor Vehicle Review Board Fund and shall be used to administer
6 the Motor Vehicle Review Board under the Motor Vehicle
7 Franchise Act.

8 (q) Except as otherwise provided in this Section, a motor
9 vehicle financing affiliate shall comply with all provisions of
10 this Code.

11 (Source: P.A. 91-415, eff. 1-1-00.)

12 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

13 Sec. 5-102. Used vehicle dealers must be licensed.

14 (a) No person, other than a licensed new vehicle dealer,
15 shall engage in the business of selling or dealing in, on
16 consignment or otherwise, 5 or more used vehicles of any make
17 during the year (except house trailers as authorized by
18 paragraph (j) of this Section and rebuilt salvage vehicles sold
19 by their rebuilders to persons licensed under this Chapter), or
20 act as an intermediary, agent or broker for any licensed dealer
21 or vehicle purchaser (other than as a salesperson) or represent
22 or advertise that he is so engaged or intends to so engage in
23 such business unless licensed to do so by the Secretary of
24 State under the provisions of this Section.

25 (b) An application for a used vehicle dealer's license

1 shall be filed with the Secretary of State, duly verified by
2 oath, in such form as the Secretary of State may by rule or
3 regulation prescribe and shall contain:

4 1. The name and type of business organization
5 established and additional places of business, if any, in
6 this State.

7 2. If the applicant is a corporation, a list of its
8 officers, directors, and shareholders having a ten percent
9 or greater ownership interest in the corporation, setting
10 forth the residence address of each; if the applicant is a
11 sole proprietorship, a partnership, an unincorporated
12 association, a trust, or any similar form of business
13 organization, the names and residence address of the
14 proprietor or of each partner, member, officer, director,
15 trustee or manager.

16 3. A statement that the applicant has been approved for
17 registration under the Retailers' Occupation Tax Act by the
18 Department of Revenue. However, this requirement does not
19 apply to a dealer who is already licensed hereunder with
20 the Secretary of State, and who is merely applying for a
21 renewal of his license. As evidence of this fact, the
22 application shall be accompanied by a certification from
23 the Department of Revenue showing that the Department has
24 approved the applicant for registration under the
25 Retailers' Occupation Tax Act.

26 4. A statement that the applicant has complied with the

1 appropriate liability insurance requirement. A Certificate
2 of Insurance in a solvent company authorized to do business
3 in the State of Illinois shall be included with each
4 application covering each location at which he proposes to
5 act as a used vehicle dealer. The policy must provide
6 liability coverage in the minimum amounts of \$100,000 for
7 bodily injury to, or death of, any person, \$300,000 for
8 bodily injury to, or death of, two or more persons in any
9 one crash ~~accident~~, and \$50,000 for damage to property.
10 Such policy shall expire not sooner than December 31 of the
11 year for which the license was issued or renewed. The
12 expiration of the insurance policy shall not terminate the
13 liability under the policy arising during the period for
14 which the policy was filed. Trailer and mobile home dealers
15 are exempt from this requirement.

16 If the permitted user has a liability insurance policy
17 that provides automobile liability insurance coverage of
18 at least \$100,000 for bodily injury to or the death of any
19 person, \$300,000 for bodily injury to or the death of any 2
20 or more persons in any one crash ~~accident~~, and \$50,000 for
21 damage to property, then the permitted user's insurer shall
22 be the primary insurer and the dealer's insurer shall be
23 the secondary insurer. If the permitted user does not have
24 a liability insurance policy that provides automobile
25 liability insurance coverage of at least \$100,000 for
26 bodily injury to or the death of any person, \$300,000 for

1 bodily injury to or the death of any 2 or more persons in
2 any one crash ~~accident~~, and \$50,000 for damage to property,
3 or does not have any insurance at all, then the dealer's
4 insurer shall be the primary insurer and the permitted
5 user's insurer shall be the secondary insurer.

6 When a permitted user is "test driving" a used vehicle
7 dealer's automobile, the used vehicle dealer's insurance
8 shall be primary and the permitted user's insurance shall
9 be secondary.

10 As used in this paragraph 4, a "permitted user" is a
11 person who, with the permission of the used vehicle dealer
12 or an employee of the used vehicle dealer, drives a vehicle
13 owned and held for sale or lease by the used vehicle dealer
14 which the person is considering to purchase or lease, in
15 order to evaluate the performance, reliability, or
16 condition of the vehicle. The term "permitted user" also
17 includes a person who, with the permission of the used
18 vehicle dealer, drives a vehicle owned or held for sale or
19 lease by the used vehicle dealer for loaner purposes while
20 the user's vehicle is being repaired or evaluated.

21 As used in this paragraph 4, "test driving" occurs when
22 a permitted user who, with the permission of the used
23 vehicle dealer or an employee of the used vehicle dealer,
24 drives a vehicle owned and held for sale or lease by a used
25 vehicle dealer that the person is considering to purchase
26 or lease, in order to evaluate the performance,

1 reliability, or condition of the vehicle.

2 As used in this paragraph 4, "loaner purposes" means
3 when a person who, with the permission of the used vehicle
4 dealer, drives a vehicle owned or held for sale or lease by
5 the used vehicle dealer while the user's vehicle is being
6 repaired or evaluated.

7 5. An application for a used vehicle dealer's license
8 shall be accompanied by the following license fees:

9 (A) \$1,000 for applicant's established place of
10 business, and \$50 for each additional place of
11 business, if any, to which the application pertains;
12 however, if the application is made after June 15 of
13 any year, the license fee shall be \$500 for applicant's
14 established place of business plus \$25 for each
15 additional place of business, if any, to which the
16 application pertains. License fees shall be returnable
17 only in the event that the application is denied by the
18 Secretary of State. Of the money received by the
19 Secretary of State as license fees under this
20 subparagraph (A) for the 2004 licensing year and
21 thereafter, 95% shall be deposited into the General
22 Revenue Fund.

23 (B) Except for dealers selling 25 or fewer
24 automobiles or as provided in subsection (h) of Section
25 5-102.7 of this Code, an Annual Dealer Recovery Fund
26 Fee in the amount of \$500 for the applicant's

1 established place of business, and \$50 for each
2 additional place of business, if any, to which the
3 application pertains; but if the application is made
4 after June 15 of any year, the fee shall be \$250 for
5 the applicant's established place of business plus \$25
6 for each additional place of business, if any, to which
7 the application pertains. For a license renewal
8 application, the fee shall be based on the amount of
9 automobiles sold in the past year according to the
10 following formula:

11 (1) \$0 for dealers selling 25 or less
12 automobiles;

13 (2) \$150 for dealers selling more than 25 but
14 less than 200 automobiles;

15 (3) \$300 for dealers selling 200 or more
16 automobiles but less than 300 automobiles; and

17 (4) \$500 for dealers selling 300 or more
18 automobiles.

19 License fees shall be returnable only in the event
20 that the application is denied by the Secretary of
21 State. Moneys received under this subparagraph (B)
22 shall be deposited into the Dealer Recovery Trust Fund.

23 6. A statement that the applicant's officers,
24 directors, shareholders having a 10% or greater ownership
25 interest therein, proprietor, partner, member, officer,
26 director, trustee, manager or other principals in the

1 business have not committed in the past 3 years any one
2 violation as determined in any civil, criminal or
3 administrative proceedings of any one of the following
4 Acts:

5 (A) The Anti-Theft Laws of the Illinois Vehicle
6 Code;

7 (B) The Certificate of Title Laws of the Illinois
8 Vehicle Code;

9 (C) The Offenses against Registration and
10 Certificates of Title Laws of the Illinois Vehicle
11 Code;

12 (D) The Dealers, Transporters, Wreckers and
13 Rebuilders Laws of the Illinois Vehicle Code;

14 (E) Section 21-2 of the Illinois Criminal Code of
15 1961 or the Criminal Code of 2012, Criminal Trespass to
16 Vehicles; or

17 (F) The Retailers' Occupation Tax Act.

18 7. A statement that the applicant's officers,
19 directors, shareholders having a 10% or greater ownership
20 interest therein, proprietor, partner, member, officer,
21 director, trustee, manager or other principals in the
22 business have not committed in any calendar year 3 or more
23 violations, as determined in any civil or criminal or
24 administrative proceedings, of any one or more of the
25 following Acts:

26 (A) The Consumer Finance Act;

- 1 (B) The Consumer Installment Loan Act;
- 2 (C) The Retail Installment Sales Act;
- 3 (D) The Motor Vehicle Retail Installment Sales
- 4 Act;
- 5 (E) The Interest Act;
- 6 (F) The Illinois Wage Assignment Act;
- 7 (G) Part 8 of Article XII of the Code of Civil
- 8 Procedure; or
- 9 (H) The Consumer Fraud and Deceptive Business
- 10 Practices Act.

11 7.5. A statement that, within 10 years of application,

12 each officer, director, shareholder having a 10% or greater

13 ownership interest therein, proprietor, partner, member,

14 officer, director, trustee, manager, or other principal in

15 the business of the applicant has not committed, as

16 determined in any civil, criminal, or administrative

17 proceeding, in any calendar year one or more forcible

18 felonies under the Criminal Code of 1961 or the Criminal

19 Code of 2012, or a violation of either or both Article 16

20 or 17 of the Criminal Code of 1961 or a violation of either

21 or both Article 16 or 17 of the Criminal Code of 2012,

22 Article 29B of the Criminal Code of 1961 or the Criminal

23 Code of 2012, or a similar out-of-state offense. For the

24 purposes of this paragraph, "forcible felony" has the

25 meaning provided in Section 2-8 of the Criminal Code of

26 2012.

1 8. A bond or Certificate of Deposit in the amount of
2 \$50,000 for each location at which the applicant intends to
3 act as a used vehicle dealer. The bond shall be for the
4 term of the license, or its renewal, for which application
5 is made, and shall expire not sooner than December 31 of
6 the year for which the license was issued or renewed. The
7 bond shall run to the People of the State of Illinois, with
8 surety by a bonding or insurance company authorized to do
9 business in this State. It shall be conditioned upon the
10 proper transmittal of all title and registration fees and
11 taxes (excluding taxes under the Retailers' Occupation Tax
12 Act) accepted by the applicant as a used vehicle dealer.

13 9. Such other information concerning the business of
14 the applicant as the Secretary of State may by rule or
15 regulation prescribe.

16 10. A statement that the applicant understands Chapter
17 1 through Chapter 5 of this Code.

18 11. A copy of the certification from the prelicensing
19 education program.

20 (c) Any change which renders no longer accurate any
21 information contained in any application for a used vehicle
22 dealer's license shall be amended within 30 days after the
23 occurrence of each change on such form as the Secretary of
24 State may prescribe by rule or regulation, accompanied by an
25 amendatory fee of \$2.

26 (d) Anything in this Chapter to the contrary

1 notwithstanding, no person shall be licensed as a used vehicle
2 dealer unless such person maintains an established place of
3 business as defined in this Chapter.

4 (e) The Secretary of State shall, within a reasonable time
5 after receipt, examine an application submitted to him under
6 this Section. Unless the Secretary makes a determination that
7 the application submitted to him does not conform to this
8 Section or that grounds exist for a denial of the application
9 under Section 5-501 of this Chapter, he must grant the
10 applicant an original used vehicle dealer's license in writing
11 for his established place of business and a supplemental
12 license in writing for each additional place of business in
13 such form as he may prescribe by rule or regulation which shall
14 include the following:

15 1. The name of the person licensed;

16 2. If a corporation, the name and address of its
17 officers or if a sole proprietorship, a partnership, an
18 unincorporated association or any similar form of business
19 organization, the name and address of the proprietor or of
20 each partner, member, officer, director, trustee or
21 manager;

22 3. In case of an original license, the established
23 place of business of the licensee;

24 4. In the case of a supplemental license, the
25 established place of business of the licensee and the
26 additional place of business to which such supplemental

1 license pertains.

2 (f) The appropriate instrument evidencing the license or a
3 certified copy thereof, provided by the Secretary of State
4 shall be kept posted, conspicuously, in the established place
5 of business of the licensee and in each additional place of
6 business, if any, maintained by such licensee.

7 (g) Except as provided in subsection (h) of this Section,
8 all used vehicle dealer's licenses granted under this Section
9 expire by operation of law on December 31 of the calendar year
10 for which they are granted unless sooner revoked or cancelled
11 under Section 5-501 of this Chapter.

12 (h) A used vehicle dealer's license may be renewed upon
13 application and payment of the fee required herein, and
14 submission of proof of coverage by an approved bond under the
15 "Retailers' Occupation Tax Act" or proof that applicant is not
16 subject to such bonding requirements, as in the case of an
17 original license, but in case an application for the renewal of
18 an effective license is made during the month of December, the
19 effective license shall remain in force until the application
20 for renewal is granted or denied by the Secretary of State.

21 (i) All persons licensed as a used vehicle dealer are
22 required to furnish each purchaser of a motor vehicle:

23 1. A certificate of title properly assigned to the
24 purchaser;

25 2. A statement verified under oath that all identifying
26 numbers on the vehicle agree with those on the certificate

1 of title;

2 3. A bill of sale properly executed on behalf of such
3 person;

4 4. A copy of the Uniform Invoice-transaction reporting
5 return referred to in Section 5-402 of this Chapter;

6 5. In the case of a rebuilt vehicle, a copy of the
7 Disclosure of Rebuilt Vehicle Status; and

8 6. In the case of a vehicle for which the warranty has
9 been reinstated, a copy of the warranty.

10 (j) A real estate broker holding a valid certificate of
11 registration issued pursuant to "The Real Estate Brokers and
12 Salesmen License Act" may engage in the business of selling or
13 dealing in house trailers not his own without being licensed as
14 a used vehicle dealer under this Section; however such broker
15 shall maintain a record of the transaction including the
16 following:

17 (1) the name and address of the buyer and seller,

18 (2) the date of sale,

19 (3) a description of the mobile home, including the
20 vehicle identification number, make, model, and year, and

21 (4) the Illinois certificate of title number.

22 The foregoing records shall be available for inspection by
23 any officer of the Secretary of State's Office at any
24 reasonable hour.

25 (k) Except at the time of sale or repossession of the
26 vehicle, no person licensed as a used vehicle dealer may issue

1 any other person a newly created key to a vehicle unless the
2 used vehicle dealer makes a color photocopy or electronic scan
3 of the driver's license or State identification card of the
4 person requesting or obtaining the newly created key. The used
5 vehicle dealer must retain the photocopy or scan for 30 days.

6 A used vehicle dealer who violates this subsection (k) is
7 guilty of a petty offense. Violation of this subsection (k) is
8 not cause to suspend, revoke, cancel, or deny renewal of the
9 used vehicle dealer's license.

10 (1) Used vehicle dealers licensed under this Section shall
11 provide the Secretary of State a register for the sale at
12 auction of each salvage or junk certificate vehicle. Each
13 register shall include the following information:

14 1. The year, make, model, style and color of the
15 vehicle;

16 2. The vehicle's manufacturer's identification number
17 or, if applicable, the Secretary of State or Illinois
18 Department of State Police identification number;

19 3. The date of acquisition of the vehicle;

20 4. The name and address of the person from whom the
21 vehicle was acquired;

22 5. The name and address of the person to whom any
23 vehicle was disposed, the person's Illinois license number
24 or if the person is an out-of-state salvage vehicle buyer,
25 the license number from the state or jurisdiction where the
26 buyer is licensed; and

1 6. The purchase price of the vehicle.

2 The register shall be submitted to the Secretary of State
3 via written or electronic means within 10 calendar days from
4 the date of the auction.

5 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;
6 101-505, eff. 1-1-20.)

7 (625 ILCS 5/5-102.8)

8 Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle
9 dealers.

10 (a) As used in this Section, "Buy Here, Pay Here used
11 vehicle dealer" means any entity that engages in the business
12 of selling or leasing of vehicles and finances the sale or
13 purchase price of the vehicle to a customer without the
14 customer using a third-party lender.

15 (b) No person shall engage in the business of selling or
16 dealing in, on consignment or otherwise, 5 or more used
17 vehicles of any make during the year (except rebuilt salvage
18 vehicles sold by their rebuilders to persons licensed under
19 this Chapter), or act as an intermediary, agent, or broker for
20 any licensed dealer or vehicle purchaser (other than as a
21 salesperson) or represent or advertise that he or she is so
22 engaged or intends to so engage in such business of a Buy Here,
23 Pay Here used vehicle dealer unless licensed to do so by the
24 Secretary of State under the provisions of this Section.

25 (c) An application for a Buy Here, Pay Here used vehicle

1 dealer's license shall be filed with the Secretary of State,
2 duly verified by oath, in such form as the Secretary of State
3 may by rule or regulation prescribe and shall contain:

4 (1) The name and type of business organization
5 established and additional places of business, if any, in
6 this State.

7 (2) If the applicant is a corporation, a list of its
8 officers, directors, and shareholders having a 10% or
9 greater ownership interest in the corporation, setting
10 forth the residence address of each; if the applicant is a
11 sole proprietorship, a partnership, an unincorporated
12 association, a trust, or any similar form of business
13 organization, the names and residence address of the
14 proprietor or of each partner, member, officer, director,
15 trustee, or manager.

16 (3) A statement that the applicant has been approved
17 for registration under the Retailers' Occupation Tax Act by
18 the Department of Revenue. However, this requirement does
19 not apply to a dealer who is already licensed hereunder
20 with the Secretary of State, and who is merely applying for
21 a renewal of his or her license. As evidence of this fact,
22 the application shall be accompanied by a certification
23 from the Department of Revenue showing that the Department
24 has approved the applicant for registration under the
25 Retailers' Occupation Tax Act.

26 (4) A statement that the applicant has complied with

1 the appropriate liability insurance requirement. A
2 Certificate of Insurance in a solvent company authorized to
3 do business in the State of Illinois shall be included with
4 each application covering each location at which he or she
5 proposes to act as a Buy Here, Pay Here used vehicle
6 dealer. The policy must provide liability coverage in the
7 minimum amounts of \$100,000 for bodily injury to, or death
8 of, any person, \$300,000 for bodily injury to, or death of,
9 2 or more persons in any one crash ~~accident~~, and \$50,000
10 for damage to property. Such policy shall expire not sooner
11 than December 31 of the year for which the license was
12 issued or renewed. The expiration of the insurance policy
13 shall not terminate the liability under the policy arising
14 during the period for which the policy was filed.

15 If the permitted user has a liability insurance policy
16 that provides automobile liability insurance coverage of
17 at least \$100,000 for bodily injury to or the death of any
18 person, \$300,000 for bodily injury to or the death of any 2
19 or more persons in any one crash ~~accident~~, and \$50,000 for
20 damage to property, then the permitted user's insurer shall
21 be the primary insurer and the dealer's insurer shall be
22 the secondary insurer. If the permitted user does not have
23 a liability insurance policy that provides automobile
24 liability insurance coverage of at least \$100,000 for
25 bodily injury to or the death of any person, \$300,000 for
26 bodily injury to or the death of any 2 or more persons in

1 any one crash ~~accident~~, and \$50,000 for damage to property,
2 or does not have any insurance at all, then the dealer's
3 insurer shall be the primary insurer and the permitted
4 user's insurer shall be the secondary insurer.

5 When a permitted user is "test driving" a Buy Here, Pay
6 Here used vehicle dealer's automobile, the Buy Here, Pay
7 Here used vehicle dealer's insurance shall be primary and
8 the permitted user's insurance shall be secondary.

9 As used in this paragraph, "permitted user" means a
10 person who, with the permission of the Buy Here, Pay Here
11 used vehicle dealer or an employee of the Buy Here, Pay
12 Here used vehicle dealer, drives a vehicle owned and held
13 for sale or lease by the Buy Here, Pay Here used vehicle
14 dealer that the person is considering to purchase or lease,
15 in order to evaluate the performance, reliability, or
16 condition of the vehicle. "Permitted user" includes a
17 person who, with the permission of the Buy Here, Pay Here
18 used vehicle dealer, drives a vehicle owned or held for
19 sale or lease by the Buy Here, Pay Here used vehicle dealer
20 for loaner purposes while the user's vehicle is being
21 repaired or evaluated.

22 As used in this paragraph, "test driving" occurs when a
23 permitted user who, with the permission of the Buy Here,
24 Pay Here used vehicle dealer or an employee of the Buy
25 Here, Pay Here used vehicle dealer, drives a vehicle owned
26 and held for sale or lease by a Buy Here, Pay Here used

1 vehicle dealer that the person is considering to purchase
2 or lease, in order to evaluate the performance,
3 reliability, or condition of the vehicle.

4 As used in this paragraph, "loaner purposes" means when
5 a person who, with the permission of the Buy Here, Pay Here
6 used vehicle dealer, drives a vehicle owned or held for
7 sale or lease by the used vehicle dealer while the user's
8 vehicle is being repaired or evaluated.

9 (5) An application for a Buy Here, Pay Here used
10 vehicle dealer's license shall be accompanied by the
11 following license fees:

12 (A) \$1,000 for the applicant's established place
13 of business, and \$50 for each additional place of
14 business, if any, to which the application pertains;
15 however, if the application is made after June 15 of
16 any year, the license fee shall be \$500 for the
17 applicant's established place of business plus \$25 for
18 each additional place of business, if any, to which the
19 application pertains. License fees shall be returnable
20 only if the application is denied by the Secretary of
21 State. Of the money received by the Secretary of State
22 as license fees under this subparagraph, 95% shall be
23 deposited into the General Revenue Fund.

24 (B) Except for dealers selling 25 or fewer
25 automobiles or as provided in subsection (h) of Section
26 5-102.7 of this Code, an Annual Dealer Recovery Fund

1 Fee in the amount of \$500 for the applicant's
2 established place of business, and \$50 for each
3 additional place of business, if any, to which the
4 application pertains; but if the application is made
5 after June 15 of any year, the fee shall be \$250 for
6 the applicant's established place of business plus \$25
7 for each additional place of business, if any, to which
8 the application pertains. For a license renewal
9 application, the fee shall be based on the amount of
10 automobiles sold in the past year according to the
11 following formula:

12 (1) \$0 for dealers selling 25 or less
13 automobiles;

14 (2) \$150 for dealers selling more than 25 but
15 less than 200 automobiles;

16 (3) \$300 for dealers selling 200 or more
17 automobiles but less than 300 automobiles; and

18 (4) \$500 for dealers selling 300 or more
19 automobiles.

20 Fees shall be returnable only if the application is
21 denied by the Secretary of State. Money received under
22 this subparagraph shall be deposited into the Dealer
23 Recovery Trust Fund. A Buy Here, Pay Here used vehicle
24 dealer shall pay into the Dealer Recovery Trust Fund
25 for every vehicle that is financed, sold, or otherwise
26 transferred to an individual or entity other than the

1 Buy Here, Pay Here used vehicle dealer even if the
2 individual or entity to which the Buy Here, Pay Here
3 used vehicle dealer transfers the vehicle is unable to
4 continue to adhere to the terms of the transaction by
5 the Buy Here, Pay Here used vehicle dealer.

6 (6) A statement that each officer, director,
7 shareholder having a 10% or greater ownership interest
8 therein, proprietor, partner, member, officer, director,
9 trustee, manager, or other principal in the business of the
10 applicant has not committed in the past 3 years any one
11 violation as determined in any civil, criminal, or
12 administrative proceedings of any one of the following:

13 (A) the Anti-Theft Laws of this Code;

14 (B) the Certificate of Title Laws of this Code;

15 (C) the Offenses against Registration and
16 Certificates of Title Laws of this Code;

17 (D) the Dealers, Transporters, Wreckers and
18 Rebuilders Laws of this Code;

19 (E) Section 21-2 of the Illinois Criminal Code of
20 1961 or the Criminal Code of 2012, Criminal Trespass to
21 Vehicles; or

22 (F) the Retailers' Occupation Tax Act.

23 (7) A statement that each officer, director,
24 shareholder having a 10% or greater ownership interest
25 therein, proprietor, partner, member, officer, director,
26 trustee, manager, or other principal in the business of the

1 applicant has not committed in any calendar year 3 or more
2 violations, as determined in any civil, criminal, or
3 administrative proceedings, of any one or more of the
4 following:

5 (A) the Consumer Finance Act;

6 (B) the Consumer Installment Loan Act;

7 (C) the Retail Installment Sales Act;

8 (D) the Motor Vehicle Retail Installment Sales
9 Act;

10 (E) the Interest Act;

11 (F) the Illinois Wage Assignment Act;

12 (G) Part 8 of Article XII of the Code of Civil
13 Procedure; or

14 (H) the Consumer Fraud and Deceptive Business
15 Practices Act.

16 (8) A statement that, within 10 years of application,
17 each officer, director, shareholder having a 10% or greater
18 ownership interest therein, proprietor, partner, member,
19 officer, director, trustee, manager, or other principal in
20 the business of the applicant has not committed, as
21 determined in any civil, criminal, or administrative
22 proceeding, in any calendar year one or more forcible
23 felonies under the Criminal Code of 1961 or the Criminal
24 Code of 2012, or a violation of either or both Article 16
25 or 17 of the Criminal Code of 1961, or a violation of
26 either or both Article 16 or 17 of the Criminal Code of

1 2012, Article 29B of the Criminal Code of 1961 or the
2 Criminal Code of 2012, or a similar out-of-state offense.
3 For the purposes of this paragraph, "forcible felony" has
4 the meaning provided in Section 2-8 of the Criminal Code of
5 2012.

6 (9) A bond or Certificate of Deposit in the amount of
7 \$50,000 for each location at which the applicant intends to
8 act as a Buy Here, Pay Here used vehicle dealer. The bond
9 shall be for the term of the license. The bond shall run to
10 the People of the State of Illinois, with surety by a
11 bonding or insurance company authorized to do business in
12 this State. It shall be conditioned upon the proper
13 transmittal of all title and registration fees and taxes
14 (excluding taxes under the Retailers' Occupation Tax Act)
15 accepted by the applicant as a Buy Here, Pay Here used
16 vehicle dealer.

17 (10) Such other information concerning the business of
18 the applicant as the Secretary of State may by rule
19 prescribe.

20 (11) A statement that the applicant understands
21 Chapter 1 through Chapter 5 of this Code.

22 (12) A copy of the certification from the prelicensing
23 education program.

24 (d) Any change that renders no longer accurate any
25 information contained in any application for a Buy Here, Pay
26 Here used vehicle dealer's license shall be amended within 30

1 days after the occurrence of each change on such form as the
2 Secretary of State may prescribe by rule, accompanied by an
3 amendatory fee of \$2.

4 (e) Anything in this Chapter to the contrary
5 notwithstanding, no person shall be licensed as a Buy Here, Pay
6 Here used vehicle dealer unless the person maintains an
7 established place of business as defined in this Chapter.

8 (f) The Secretary of State shall, within a reasonable time
9 after receipt, examine an application submitted under this
10 Section. Unless the Secretary makes a determination that the
11 application does not conform to this Section or that grounds
12 exist for a denial of the application under Section 5-501 of
13 this Chapter, the Secretary must grant the applicant an
14 original Buy Here, Pay Here used vehicle dealer's license in
15 writing for his or her established place of business and a
16 supplemental license in writing for each additional place of
17 business in such form as the Secretary may prescribe by rule
18 that shall include the following:

19 (1) The name of the person licensed.

20 (2) If a corporation, the name and address of its
21 officers or if a sole proprietorship, a partnership, an
22 unincorporated association, or any similar form of
23 business organization, the name and address of the
24 proprietor or of each partner, member, officer, director,
25 trustee, or manager.

26 (3) In the case of an original license, the established

1 place of business of the licensee.

2 (4) In the case of a supplemental license, the
3 established place of business of the licensee and the
4 additional place of business to which the supplemental
5 license pertains.

6 (g) The appropriate instrument evidencing the license or a
7 certified copy thereof, provided by the Secretary of State
8 shall be kept posted, conspicuously, in the established place
9 of business of the licensee and in each additional place of
10 business, if any, maintained by the licensee.

11 (h) Except as provided in subsection (i), all Buy Here, Pay
12 Here used vehicle dealer's licenses granted under this Section
13 expire by operation of law on December 31 of the calendar year
14 for which they are granted unless sooner revoked or cancelled
15 under Section 5-501 of this Chapter.

16 (i) A Buy Here, Pay Here used vehicle dealer's license may
17 be renewed upon application and payment of the fee required
18 herein, and submission of proof of coverage by an approved bond
19 under the Retailers' Occupation Tax Act or proof that the
20 applicant is not subject to such bonding requirements, as in
21 the case of an original license, but in the case of an
22 application for the renewal of an effective license made during
23 the month of December, the effective license shall remain in
24 force until the application for renewal is granted or denied by
25 the Secretary of State.

26 (j) Each person licensed as a Buy Here, Pay Here used

1 vehicle dealer is required to furnish each purchaser of a motor
2 vehicle:

3 (1) a certificate of title properly assigned to the
4 purchaser;

5 (2) a statement verified under oath that all
6 identifying numbers on the vehicle agree with those on the
7 certificate of title;

8 (3) a bill of sale properly executed on behalf of the
9 person;

10 (4) a copy of the Uniform Invoice-transaction
11 reporting return referred to in Section 5-402;

12 (5) in the case of a rebuilt vehicle, a copy of the
13 Disclosure of Rebuilt Vehicle Status; and

14 (6) in the case of a vehicle for which the warranty has
15 been reinstated, a copy of the warranty.

16 (k) Except at the time of sale or repossession of the
17 vehicle, no person licensed as a Buy Here, Pay Here used
18 vehicle dealer may issue any other person a newly created key
19 to a vehicle unless the Buy Here, Pay Here used vehicle dealer
20 makes a color photocopy or electronic scan of the driver's
21 license or State identification card of the person requesting
22 or obtaining the newly created key. The Buy Here, Pay Here used
23 vehicle dealer must retain the photocopy or scan for 30 days.

24 A Buy Here, Pay Here used vehicle dealer who violates this
25 subsection (k) is guilty of a petty offense. Violation of this
26 subsection (k) is not cause to suspend, revoke, cancel, or deny

1 renewal of the used vehicle dealer's license.

2 (1) A Buy Here, Pay Here used vehicle dealer licensed under
3 this Section shall provide the Secretary of State a register
4 for the sale at auction of each salvage or junk certificate
5 vehicle. Each register shall include the following
6 information:

7 (1) the year, make, model, style, and color of the
8 vehicle;

9 (2) the vehicle's manufacturer's identification number
10 or, if applicable, the Secretary of State or Illinois
11 Department of State Police identification number;

12 (3) the date of acquisition of the vehicle;

13 (4) the name and address of the person from whom the
14 vehicle was acquired;

15 (5) the name and address of the person to whom any
16 vehicle was disposed, the person's Illinois license number
17 or, if the person is an out-of-state salvage vehicle buyer,
18 the license number from the state or jurisdiction where the
19 buyer is licensed; and

20 (6) the purchase price of the vehicle.

21 The register shall be submitted to the Secretary of State
22 via written or electronic means within 10 calendar days from
23 the date of the auction.

24 (Source: P.A. 101-505, eff. 1-1-20.)

25 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

1 Sec. 6-101. Drivers must have licenses or permits.

2 (a) No person, except those expressly exempted by Section
3 6-102, shall drive any motor vehicle upon a highway in this
4 State unless such person has a valid license or permit, or a
5 restricted driving permit, issued under the provisions of this
6 Act.

7 (b) No person shall drive a motor vehicle unless he holds a
8 valid license or permit, or a restricted driving permit issued
9 under the provisions of Section 6-205, 6-206, or 6-113 of this
10 Act. Any person to whom a license is issued under the
11 provisions of this Act must surrender to the Secretary of State
12 all valid licenses or permits, except that an applicant for a
13 non-domiciled commercial learner's permit or commercial
14 driver's license shall not be required to surrender a license
15 or permit issued by the applicant's state or country of
16 domicile. No drivers license or instruction permit shall be
17 issued to any person who holds a valid Foreign State license,
18 identification card, or permit unless such person first
19 surrenders to the Secretary of State any such valid Foreign
20 State license, identification card, or permit.

21 (b-5) Any person who commits a violation of subsection (a)
22 or (b) of this Section is guilty of a Class A misdemeanor, if
23 at the time of the violation the person's driver's license or
24 permit was cancelled under clause (a)9 of Section 6-201 of this
25 Code.

26 (c) Any person licensed as a driver hereunder shall not be

1 required by any city, village, incorporated town or other
2 municipal corporation to obtain any other license to exercise
3 the privilege thereby granted.

4 (d) In addition to other penalties imposed under this
5 Section, any person in violation of this Section who is also in
6 violation of Section 7-601 of this Code relating to mandatory
7 insurance requirements shall have his or her motor vehicle
8 immediately impounded by the arresting law enforcement
9 officer. The motor vehicle may be released to any licensed
10 driver upon a showing of proof of insurance for the motor
11 vehicle that was impounded and the notarized written consent
12 for the release by the vehicle owner.

13 (e) In addition to other penalties imposed under this
14 Section, the vehicle of any person in violation of this Section
15 who is also in violation of Section 7-601 of this Code relating
16 to mandatory insurance requirements and who, in violating this
17 Section, has caused death or personal injury to another person
18 is subject to forfeiture under Sections 36-1 and 36-2 of the
19 Criminal Code of 2012. For the purposes of this Section, a
20 personal injury shall include any type A injury as indicated on
21 the traffic crash ~~accident~~ report completed by a law
22 enforcement officer that requires immediate professional
23 attention in either a doctor's office or a medical facility. A
24 type A injury shall include severely bleeding wounds, distorted
25 extremities, and injuries that require the injured party to be
26 carried from the scene.

1 (Source: P.A. 97-229, eff. 7-28-11; 97-1150, eff. 1-25-13;
2 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A.
3 99-414 for the effective date of changes made by P.A. 98-176).)

4 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

5 Sec. 6-106.1. School bus driver permit.

6 (a) The Secretary of State shall issue a school bus driver
7 permit to those applicants who have met all the requirements of
8 the application and screening process under this Section to
9 insure the welfare and safety of children who are transported
10 on school buses throughout the State of Illinois. Applicants
11 shall obtain the proper application required by the Secretary
12 of State from their prospective or current employer and submit
13 the completed application to the prospective or current
14 employer along with the necessary fingerprint submission as
15 required by the Department of State Police to conduct
16 fingerprint based criminal background checks on current and
17 future information available in the state system and current
18 information available through the Federal Bureau of
19 Investigation's system. Applicants who have completed the
20 fingerprinting requirements shall not be subjected to the
21 fingerprinting process when applying for subsequent permits or
22 submitting proof of successful completion of the annual
23 refresher course. Individuals who on July 1, 1995 (the
24 effective date of Public Act 88-612) possess a valid school bus
25 driver permit that has been previously issued by the

1 appropriate Regional School Superintendent are not subject to
2 the fingerprinting provisions of this Section as long as the
3 permit remains valid and does not lapse. The applicant shall be
4 required to pay all related application and fingerprinting fees
5 as established by rule including, but not limited to, the
6 amounts established by the Department of State Police and the
7 Federal Bureau of Investigation to process fingerprint based
8 criminal background investigations. All fees paid for
9 fingerprint processing services under this Section shall be
10 deposited into the State Police Services Fund for the cost
11 incurred in processing the fingerprint based criminal
12 background investigations. All other fees paid under this
13 Section shall be deposited into the Road Fund for the purpose
14 of defraying the costs of the Secretary of State in
15 administering this Section. All applicants must:

- 16 1. be 21 years of age or older;
- 17 2. possess a valid and properly classified driver's
18 license issued by the Secretary of State;
- 19 3. possess a valid driver's license, which has not been
20 revoked, suspended, or canceled for 3 years immediately
21 prior to the date of application, or have not had his or
22 her commercial motor vehicle driving privileges
23 disqualified within the 3 years immediately prior to the
24 date of application;
- 25 4. successfully pass a written test, administered by
26 the Secretary of State, on school bus operation, school bus

1 safety, and special traffic laws relating to school buses
2 and submit to a review of the applicant's driving habits by
3 the Secretary of State at the time the written test is
4 given;

5 5. demonstrate ability to exercise reasonable care in
6 the operation of school buses in accordance with rules
7 promulgated by the Secretary of State;

8 6. demonstrate physical fitness to operate school
9 buses by submitting the results of a medical examination,
10 including tests for drug use for each applicant not subject
11 to such testing pursuant to federal law, conducted by a
12 licensed physician, a licensed advanced practice
13 registered nurse, or a licensed physician assistant within
14 90 days of the date of application according to standards
15 promulgated by the Secretary of State;

16 7. affirm under penalties of perjury that he or she has
17 not made a false statement or knowingly concealed a
18 material fact in any application for permit;

19 8. have completed an initial classroom course,
20 including first aid procedures, in school bus driver safety
21 as promulgated by the Secretary of State; and after
22 satisfactory completion of said initial course an annual
23 refresher course; such courses and the agency or
24 organization conducting such courses shall be approved by
25 the Secretary of State; failure to complete the annual
26 refresher course, shall result in cancellation of the

1 permit until such course is completed;

2 9. not have been under an order of court supervision
3 for or convicted of 2 or more serious traffic offenses, as
4 defined by rule, within one year prior to the date of
5 application that may endanger the life or safety of any of
6 the driver's passengers within the duration of the permit
7 period;

8 10. not have been under an order of court supervision
9 for or convicted of reckless driving, aggravated reckless
10 driving, driving while under the influence of alcohol,
11 other drug or drugs, intoxicating compound or compounds or
12 any combination thereof, or reckless homicide resulting
13 from the operation of a motor vehicle within 3 years of the
14 date of application;

15 11. not have been convicted of committing or attempting
16 to commit any one or more of the following offenses: (i)
17 those offenses defined in Sections 8-1, 8-1.2, 9-1, 9-1.2,
18 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4,
19 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
21 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1, 11-14, 11-14.1,
22 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1,
23 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
24 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
25 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4, 12-4.1,
26 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,

1 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1, 12-7.3,
2 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15,
3 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10,
4 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3,
5 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,
6 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,
7 24-3.5, 24-3.8, 24-3.9, 31A-1.1, 33A-2, and 33D-1, in
8 subsection (A), clauses (a) and (b), of Section 24-3, and
9 those offenses contained in Article 29D of the Criminal
10 Code of 1961 or the Criminal Code of 2012; (ii) those
11 offenses defined in the Cannabis Control Act except those
12 offenses defined in subsections (a) and (b) of Section 4,
13 and subsection (a) of Section 5 of the Cannabis Control
14 Act; (iii) those offenses defined in the Illinois
15 Controlled Substances Act; (iv) those offenses defined in
16 the Methamphetamine Control and Community Protection Act;
17 and (v) any offense committed or attempted in any other
18 state or against the laws of the United States, which if
19 committed or attempted in this State would be punishable as
20 one or more of the foregoing offenses; (vi) the offenses
21 defined in Section 4.1 and 5.1 of the Wrongs to Children
22 Act or Section 11-9.1A of the Criminal Code of 1961 or the
23 Criminal Code of 2012; (vii) those offenses defined in
24 Section 6-16 of the Liquor Control Act of 1934; and (viii)
25 those offenses defined in the Methamphetamine Precursor
26 Control Act;

1 12. not have been repeatedly involved as a driver in
2 motor vehicle collisions or been repeatedly convicted of
3 offenses against laws and ordinances regulating the
4 movement of traffic, to a degree which indicates lack of
5 ability to exercise ordinary and reasonable care in the
6 safe operation of a motor vehicle or disrespect for the
7 traffic laws and the safety of other persons upon the
8 highway;

9 13. not have, through the unlawful operation of a motor
10 vehicle, caused a crash ~~an accident~~ resulting in the death
11 of any person;

12 14. not have, within the last 5 years, been adjudged to
13 be afflicted with or suffering from any mental disability
14 or disease;

15 15. consent, in writing, to the release of results of
16 reasonable suspicion drug and alcohol testing under
17 Section 6-106.1c of this Code by the employer of the
18 applicant to the Secretary of State; and

19 16. not have been convicted of committing or attempting
20 to commit within the last 20 years: (i) an offense defined
21 in subsection (c) of Section 4, subsection (b) of Section
22 5, and subsection (a) of Section 8 of the Cannabis Control
23 Act; or (ii) any offenses in any other state or against the
24 laws of the United States that, if committed or attempted
25 in this State, would be punishable as one or more of the
26 foregoing offenses.

1 (b) A school bus driver permit shall be valid for a period
2 specified by the Secretary of State as set forth by rule. It
3 shall be renewable upon compliance with subsection (a) of this
4 Section.

5 (c) A school bus driver permit shall contain the holder's
6 driver's license number, legal name, residence address, zip
7 code, and date of birth, a brief description of the holder and
8 a space for signature. The Secretary of State may require a
9 suitable photograph of the holder.

10 (d) The employer shall be responsible for conducting a
11 pre-employment interview with prospective school bus driver
12 candidates, distributing school bus driver applications and
13 medical forms to be completed by the applicant, and submitting
14 the applicant's fingerprint cards to the Department of State
15 Police that are required for the criminal background
16 investigations. The employer shall certify in writing to the
17 Secretary of State that all pre-employment conditions have been
18 successfully completed including the successful completion of
19 an Illinois specific criminal background investigation through
20 the Department of State Police and the submission of necessary
21 fingerprints to the Federal Bureau of Investigation for
22 criminal history information available through the Federal
23 Bureau of Investigation system. The applicant shall present the
24 certification to the Secretary of State at the time of
25 submitting the school bus driver permit application.

26 (e) Permits shall initially be provisional upon receiving

1 certification from the employer that all pre-employment
2 conditions have been successfully completed, and upon
3 successful completion of all training and examination
4 requirements for the classification of the vehicle to be
5 operated, the Secretary of State shall provisionally issue a
6 School Bus Driver Permit. The permit shall remain in a
7 provisional status pending the completion of the Federal Bureau
8 of Investigation's criminal background investigation based
9 upon fingerprinting specimens submitted to the Federal Bureau
10 of Investigation by the Department of State Police. The Federal
11 Bureau of Investigation shall report the findings directly to
12 the Secretary of State. The Secretary of State shall remove the
13 bus driver permit from provisional status upon the applicant's
14 successful completion of the Federal Bureau of Investigation's
15 criminal background investigation.

16 (f) A school bus driver permit holder shall notify the
17 employer and the Secretary of State if he or she is issued an
18 order of court supervision for or convicted in another state of
19 an offense that would make him or her ineligible for a permit
20 under subsection (a) of this Section. The written notification
21 shall be made within 5 days of the entry of the order of court
22 supervision or conviction. Failure of the permit holder to
23 provide the notification is punishable as a petty offense for a
24 first violation and a Class B misdemeanor for a second or
25 subsequent violation.

26 (g) Cancellation; suspension; notice and procedure.

1 (1) The Secretary of State shall cancel a school bus
2 driver permit of an applicant whose criminal background
3 investigation discloses that he or she is not in compliance
4 with the provisions of subsection (a) of this Section.

5 (2) The Secretary of State shall cancel a school bus
6 driver permit when he or she receives notice that the
7 permit holder fails to comply with any provision of this
8 Section or any rule promulgated for the administration of
9 this Section.

10 (3) The Secretary of State shall cancel a school bus
11 driver permit if the permit holder's restricted commercial
12 or commercial driving privileges are withdrawn or
13 otherwise invalidated.

14 (4) The Secretary of State may not issue a school bus
15 driver permit for a period of 3 years to an applicant who
16 fails to obtain a negative result on a drug test as
17 required in item 6 of subsection (a) of this Section or
18 under federal law.

19 (5) The Secretary of State shall forthwith suspend a
20 school bus driver permit for a period of 3 years upon
21 receiving notice that the holder has failed to obtain a
22 negative result on a drug test as required in item 6 of
23 subsection (a) of this Section or under federal law.

24 (6) The Secretary of State shall suspend a school bus
25 driver permit for a period of 3 years upon receiving notice
26 from the employer that the holder failed to perform the

1 inspection procedure set forth in subsection (a) or (b) of
2 Section 12-816 of this Code.

3 (7) The Secretary of State shall suspend a school bus
4 driver permit for a period of 3 years upon receiving notice
5 from the employer that the holder refused to submit to an
6 alcohol or drug test as required by Section 6-106.1c or has
7 submitted to a test required by that Section which
8 disclosed an alcohol concentration of more than 0.00 or
9 disclosed a positive result on a National Institute on Drug
10 Abuse five-drug panel, utilizing federal standards set
11 forth in 49 CFR 40.87.

12 The Secretary of State shall notify the State
13 Superintendent of Education and the permit holder's
14 prospective or current employer that the applicant has (1) has
15 failed a criminal background investigation or (2) is no longer
16 eligible for a school bus driver permit; and of the related
17 cancellation of the applicant's provisional school bus driver
18 permit. The cancellation shall remain in effect pending the
19 outcome of a hearing pursuant to Section 2-118 of this Code.
20 The scope of the hearing shall be limited to the issuance
21 criteria contained in subsection (a) of this Section. A
22 petition requesting a hearing shall be submitted to the
23 Secretary of State and shall contain the reason the individual
24 feels he or she is entitled to a school bus driver permit. The
25 permit holder's employer shall notify in writing to the
26 Secretary of State that the employer has certified the removal

1 of the offending school bus driver from service prior to the
2 start of that school bus driver's next workshift. An employing
3 school board that fails to remove the offending school bus
4 driver from service is subject to the penalties defined in
5 Section 3-14.23 of the School Code. A school bus contractor who
6 violates a provision of this Section is subject to the
7 penalties defined in Section 6-106.11.

8 All valid school bus driver permits issued under this
9 Section prior to January 1, 1995, shall remain effective until
10 their expiration date unless otherwise invalidated.

11 (h) When a school bus driver permit holder who is a service
12 member is called to active duty, the employer of the permit
13 holder shall notify the Secretary of State, within 30 days of
14 notification from the permit holder, that the permit holder has
15 been called to active duty. Upon notification pursuant to this
16 subsection, (i) the Secretary of State shall characterize the
17 permit as inactive until a permit holder renews the permit as
18 provided in subsection (i) of this Section, and (ii) if a
19 permit holder fails to comply with the requirements of this
20 Section while called to active duty, the Secretary of State
21 shall not characterize the permit as invalid.

22 (i) A school bus driver permit holder who is a service
23 member returning from active duty must, within 90 days, renew a
24 permit characterized as inactive pursuant to subsection (h) of
25 this Section by complying with the renewal requirements of
26 subsection (b) of this Section.

1 (j) For purposes of subsections (h) and (i) of this
2 Section:

3 "Active duty" means active duty pursuant to an executive
4 order of the President of the United States, an act of the
5 Congress of the United States, or an order of the Governor.

6 "Service member" means a member of the Armed Services or
7 reserve forces of the United States or a member of the Illinois
8 National Guard.

9 (k) A private carrier employer of a school bus driver
10 permit holder, having satisfied the employer requirements of
11 this Section, shall be held to a standard of ordinary care for
12 intentional acts committed in the course of employment by the
13 bus driver permit holder. This subsection (k) shall in no way
14 limit the liability of the private carrier employer for
15 violation of any provision of this Section or for the negligent
16 hiring or retention of a school bus driver permit holder.

17 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

18 (625 ILCS 5/6-106.1a)

19 Sec. 6-106.1a. Cancellation of school bus driver permit;
20 trace of alcohol.

21 (a) A person who has been issued a school bus driver permit
22 by the Secretary of State in accordance with Section 6-106.1 of
23 this Code and who drives or is in actual physical control of a
24 school bus or any other vehicle owned or operated by or for a
25 public or private school, or a school operated by a religious

1 institution, when the vehicle is being used over a regularly
2 scheduled route for the transportation of persons enrolled as
3 students in grade 12 or below, in connection with any activity
4 of the entities listed, upon the public highways of this State
5 shall be deemed to have given consent to a chemical test or
6 tests of blood, breath, other bodily substance, or urine for
7 the purpose of determining the alcohol content of the person's
8 blood if arrested, as evidenced by the issuance of a Uniform
9 Traffic Ticket for any violation of this Code or a similar
10 provision of a local ordinance, if a police officer has
11 probable cause to believe that the driver has consumed any
12 amount of an alcoholic beverage based upon evidence of the
13 driver's physical condition or other first hand knowledge of
14 the police officer. The test or tests shall be administered at
15 the direction of the arresting officer. The law enforcement
16 agency employing the officer shall designate which of the
17 aforesaid tests shall be administered. A urine or other bodily
18 substance test may be administered even after a blood or breath
19 test or both has been administered.

20 (b) A person who is dead, unconscious, or who is otherwise
21 in a condition rendering that person incapable of refusal,
22 shall be deemed not to have withdrawn the consent provided by
23 paragraph (a) of this Section and the test or tests may be
24 administered subject to the following provisions:

25 (1) Chemical analysis of the person's blood, urine,
26 breath, or other bodily substance, to be considered valid

1 under the provisions of this Section, shall have been
2 performed according to standards promulgated by the
3 Department of State Police by an individual possessing a
4 valid permit issued by the Department of State Police for
5 this purpose. The Director of State Police is authorized to
6 approve satisfactory techniques or methods, to ascertain
7 the qualifications and competence of individuals to
8 conduct analyses, to issue permits that shall be subject to
9 termination or revocation at the direction of the
10 Department of State Police, and to certify the accuracy of
11 breath testing equipment. The Department of State Police
12 shall prescribe rules as necessary.

13 (2) When a person submits to a blood test at the
14 request of a law enforcement officer under the provisions
15 of this Section, only a physician authorized to practice
16 medicine, a licensed physician assistant, a licensed
17 advanced practice registered nurse, a registered nurse, or
18 other qualified person trained in venipuncture and acting
19 under the direction of a licensed physician may withdraw
20 blood for the purpose of determining the alcohol content.
21 This limitation does not apply to the taking of breath,
22 other bodily substance, or urine specimens.

23 (3) The person tested may have a physician, qualified
24 technician, chemist, registered nurse, or other qualified
25 person of his or her own choosing administer a chemical
26 test or tests in addition to any test or tests administered

1 at the direction of a law enforcement officer. The test
2 administered at the request of the person may be admissible
3 into evidence at a hearing conducted in accordance with
4 Section 2-118 of this Code. The failure or inability to
5 obtain an additional test by a person shall not preclude
6 the consideration of the previously performed chemical
7 test.

8 (4) Upon a request of the person who submits to a
9 chemical test or tests at the request of a law enforcement
10 officer, full information concerning the test or tests
11 shall be made available to the person or that person's
12 attorney by the requesting law enforcement agency within 72
13 hours of receipt of the test result.

14 (5) Alcohol concentration means either grams of
15 alcohol per 100 milliliters of blood or grams of alcohol
16 per 210 liters of breath.

17 (6) If a driver is receiving medical treatment as a
18 result of a motor vehicle crash ~~accident~~, a physician
19 licensed to practice medicine, licensed physician
20 assistant, licensed advanced practice registered nurse,
21 registered nurse, or other qualified person trained in
22 venipuncture and acting under the direction of a licensed
23 physician shall withdraw blood for testing purposes to
24 ascertain the presence of alcohol upon the specific request
25 of a law enforcement officer. However, that testing shall
26 not be performed until, in the opinion of the medical

1 personnel on scene, the withdrawal can be made without
2 interfering with or endangering the well-being of the
3 patient.

4 (c) A person requested to submit to a test as provided in
5 this Section shall be warned by the law enforcement officer
6 requesting the test that a refusal to submit to the test, or
7 submission to the test resulting in an alcohol concentration of
8 more than 0.00, may result in the loss of that person's
9 privilege to possess a school bus driver permit. The loss of
10 the individual's privilege to possess a school bus driver
11 permit shall be imposed in accordance with Section 6-106.1b of
12 this Code. A person requested to submit to a test under this
13 Section shall also acknowledge, in writing, receipt of the
14 warning required under this subsection (c). If the person
15 refuses to acknowledge receipt of the warning, the law
16 enforcement officer shall make a written notation on the
17 warning that the person refused to sign the warning. A person's
18 refusal to sign the warning shall not be evidence that the
19 person was not read the warning.

20 (d) If the person refuses testing or submits to a test that
21 discloses an alcohol concentration of more than 0.00, the law
22 enforcement officer shall immediately submit a sworn report to
23 the Secretary of State on a form prescribed by the Secretary of
24 State certifying that the test or tests were requested under
25 subsection (a) and the person refused to submit to a test or
26 tests or submitted to testing which disclosed an alcohol

1 concentration of more than 0.00. The law enforcement officer
2 shall submit the same sworn report when a person who has been
3 issued a school bus driver permit and who was operating a
4 school bus or any other vehicle owned or operated by or for a
5 public or private school, or a school operated by a religious
6 institution, when the vehicle is being used over a regularly
7 scheduled route for the transportation of persons enrolled as
8 students in grade 12 or below, in connection with any activity
9 of the entities listed, submits to testing under Section
10 11-501.1 of this Code and the testing discloses an alcohol
11 concentration of more than 0.00 and less than the alcohol
12 concentration at which driving or being in actual physical
13 control of a motor vehicle is prohibited under paragraph (1) of
14 subsection (a) of Section 11-501.

15 Upon receipt of the sworn report of a law enforcement
16 officer, the Secretary of State shall enter the school bus
17 driver permit sanction on the individual's driving record and
18 the sanction shall be effective on the 46th day following the
19 date notice of the sanction was given to the person.

20 The law enforcement officer submitting the sworn report
21 shall serve immediate notice of this school bus driver permit
22 sanction on the person and the sanction shall be effective on
23 the 46th day following the date notice was given.

24 In cases where the blood alcohol concentration of more than
25 0.00 is established by a subsequent analysis of blood, other
26 bodily substance, or urine, the police officer or arresting

1 agency shall give notice as provided in this Section or by
2 deposit in the United States mail of that notice in an envelope
3 with postage prepaid and addressed to that person at his or her
4 last known address and the loss of the school bus driver permit
5 shall be effective on the 46th day following the date notice
6 was given.

7 Upon receipt of the sworn report of a law enforcement
8 officer, the Secretary of State shall also give notice of the
9 school bus driver permit sanction to the driver and the
10 driver's current employer by mailing a notice of the effective
11 date of the sanction to the individual. However, shall the
12 sworn report be defective by not containing sufficient
13 information or be completed in error, the notice of the school
14 bus driver permit sanction may not be mailed to the person or
15 his current employer or entered to the driving record, but
16 rather the sworn report shall be returned to the issuing law
17 enforcement agency.

18 (e) A driver may contest this school bus driver permit
19 sanction by requesting an administrative hearing with the
20 Secretary of State in accordance with Section 2-118 of this
21 Code. An individual whose blood alcohol concentration is shown
22 to be more than 0.00 is not subject to this Section if he or she
23 consumed alcohol in the performance of a religious service or
24 ceremony. An individual whose blood alcohol concentration is
25 shown to be more than 0.00 shall not be subject to this Section
26 if the individual's blood alcohol concentration resulted only

1 from ingestion of the prescribed or recommended dosage of
2 medicine that contained alcohol. The petition for that hearing
3 shall not stay or delay the effective date of the impending
4 suspension. The scope of this hearing shall be limited to the
5 issues of:

6 (1) whether the police officer had probable cause to
7 believe that the person was driving or in actual physical
8 control of a school bus or any other vehicle owned or
9 operated by or for a public or private school, or a school
10 operated by a religious institution, when the vehicle is
11 being used over a regularly scheduled route for the
12 transportation of persons enrolled as students in grade 12
13 or below, in connection with any activity of the entities
14 listed, upon the public highways of the State and the
15 police officer had reason to believe that the person was in
16 violation of any provision of this Code or a similar
17 provision of a local ordinance; and

18 (2) whether the person was issued a Uniform Traffic
19 Ticket for any violation of this Code or a similar
20 provision of a local ordinance; and

21 (3) whether the police officer had probable cause to
22 believe that the driver had consumed any amount of an
23 alcoholic beverage based upon the driver's physical
24 actions or other first-hand knowledge of the police
25 officer; and

26 (4) whether the person, after being advised by the

1 officer that the privilege to possess a school bus driver
2 permit would be canceled if the person refused to submit to
3 and complete the test or tests, did refuse to submit to or
4 complete the test or tests to determine the person's
5 alcohol concentration; and

6 (5) whether the person, after being advised by the
7 officer that the privileges to possess a school bus driver
8 permit would be canceled if the person submits to a
9 chemical test or tests and the test or tests disclose an
10 alcohol concentration of more than 0.00 and the person did
11 submit to and complete the test or tests that determined an
12 alcohol concentration of more than 0.00; and

13 (6) whether the test result of an alcohol concentration
14 of more than 0.00 was based upon the person's consumption
15 of alcohol in the performance of a religious service or
16 ceremony; and

17 (7) whether the test result of an alcohol concentration
18 of more than 0.00 was based upon the person's consumption
19 of alcohol through ingestion of the prescribed or
20 recommended dosage of medicine.

21 The Secretary of State may adopt administrative rules
22 setting forth circumstances under which the holder of a school
23 bus driver permit is not required to appear in person at the
24 hearing.

25 Provided that the petitioner may subpoena the officer, the
26 hearing may be conducted upon a review of the law enforcement

1 officer's own official reports. Failure of the officer to
2 answer the subpoena shall be grounds for a continuance if, in
3 the hearing officer's discretion, the continuance is
4 appropriate. At the conclusion of the hearing held under
5 Section 2-118 of this Code, the Secretary of State may rescind,
6 continue, or modify the school bus driver permit sanction.

7 (f) The results of any chemical testing performed in
8 accordance with subsection (a) of this Section are not
9 admissible in any civil or criminal proceeding, except that the
10 results of the testing may be considered at a hearing held
11 under Section 2-118 of this Code. However, the results of the
12 testing may not be used to impose driver's license sanctions
13 under Section 11-501.1 of this Code. A law enforcement officer
14 may, however, pursue a statutory summary suspension or
15 revocation of driving privileges under Section 11-501.1 of this
16 Code if other physical evidence or first hand knowledge forms
17 the basis of that suspension or revocation.

18 (g) This Section applies only to drivers who have been
19 issued a school bus driver permit in accordance with Section
20 6-106.1 of this Code at the time of the issuance of the Uniform
21 Traffic Ticket for a violation of this Code or a similar
22 provision of a local ordinance, and a chemical test request is
23 made under this Section.

24 (h) The action of the Secretary of State in suspending,
25 revoking, canceling, or denying any license, permit,
26 registration, or certificate of title shall be subject to

1 judicial review in the Circuit Court of Sangamon County or in
2 the Circuit Court of Cook County, and the provisions of the
3 Administrative Review Law and its rules are hereby adopted and
4 shall apply to and govern every action for the judicial review
5 of final acts or decisions of the Secretary of State under this
6 Section.

7 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
8 100-513, eff. 1-1-18.)

9 (625 ILCS 5/6-106.2) (from Ch. 95 1/2, par. 6-106.2)

10 Sec. 6-106.2. Religious organization bus driver. A
11 religious organization bus driver shall meet the following
12 requirements:

- 13 1. is 21 years of age or older;
- 14 2. has a valid and properly classified driver's license
15 issued by the Secretary of State;
- 16 3. has held a valid driver's license, not necessarily
17 of the same classification, for 3 years prior to the date
18 of application. A lapse in the renewal of the driver's
19 license of 30 days or less shall not render the applicant
20 ineligible. The Secretary of State may, in his or her
21 discretion, grant a waiver for a lapse in the renewal of
22 the driver's license in excess of 30 days;
- 23 4. has demonstrated an ability to exercise reasonable
24 care in the safe operation of religious organization buses
25 in accordance with such standards as the Secretary of State

1 prescribes including a driving test in a religious
2 organization bus; and

3 5. has not been convicted of any of the following
4 offenses within 3 years of the date of application:
5 Sections 11-401 (leaving the scene of a traffic crash
6 ~~accident~~ involving death or personal injury), 11-501
7 (driving under the influence), 11-503 (reckless driving),
8 11-504 (drag racing), and 11-506 (street racing) of this
9 Code, or Sections 9-3 (manslaughter or reckless homicide)
10 and 12-5 (reckless conduct arising from the use of a motor
11 vehicle) of the Criminal Code of 1961 or the Criminal Code
12 of 2012.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

14 (625 ILCS 5/6-106.3) (from Ch. 95 1/2, par. 6-106.3)

15 Sec. 6-106.3. Senior citizen transportation - driver. A
16 driver of a vehicle operated solely for the purpose of
17 providing transportation for the elderly in connection with the
18 activities of any public or private organization shall meet the
19 following requirements:

20 (1) is 21 years of age or older;

21 (2) has a valid and properly classified driver's
22 license issued by the Secretary of State;

23 (3) has had a valid driver's license, not necessarily
24 of the same classification, for 3 years prior to the date
25 of application. A lapse in the renewal of the driver's

1 license of 30 days or less shall not render the applicant
2 ineligible. The Secretary of State may, in his or her
3 discretion, grant a waiver for a lapse in the renewal of
4 the driver's license in excess of 30 days;

5 (4) has demonstrated his ability to exercise
6 reasonable care in the safe operation of a motor vehicle
7 which will be utilized to transport persons in accordance
8 with such standards as the Secretary of State prescribes
9 including a driving test in such motor vehicle; and

10 (5) has not been convicted of any of the following
11 offenses within 3 years of the date of application:
12 Sections 11-401 (leaving the scene of a traffic crash
13 ~~accident~~ involving death or personal injury), 11-501
14 (driving under the influence), 11-503 (reckless driving),
15 11-504 (drag racing), and 11-506 (street racing) of this
16 Code, or Sections 9-3 (manslaughter or reckless homicide)
17 and 12-5 (reckless conduct arising from the use of a motor
18 vehicle) of the Criminal Code of 1961 or the Criminal Code
19 of 2012.

20 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

21 (625 ILCS 5/6-106.4) (from Ch. 95 1/2, par. 6-106.4)

22 Sec. 6-106.4. For-profit ridesharing arrangement - driver.
23 No person may drive a commuter van while it is being used for a
24 for-profit ridesharing arrangement unless such person:

25 (1) is 21 years of age or older;

1 (2) has a valid and properly classified driver's
2 license issued by the Secretary of State;

3 (3) has held a valid driver's license, not necessarily
4 of the same classification, for 3 years prior to the date
5 of application. A lapse in the renewal of the driver's
6 license of 30 days or less shall not render the applicant
7 ineligible. The Secretary of State may, in his or her
8 discretion, grant a waiver for a lapse in the renewal of
9 the driver's license in excess of 30 days;

10 (4) has demonstrated his ability to exercise
11 reasonable care in the safe operation of commuter vans used
12 in for-profit ridesharing arrangements in accordance with
13 such standards as the Secretary of State may prescribe,
14 which standards may require a driving test in a commuter
15 van; and

16 (5) has not been convicted of any of the following
17 offenses within 3 years of the date of application:
18 Sections 11-401 (leaving the scene of a traffic crash
19 ~~accident~~ involving death or personal injury), 11-501
20 (driving under the influence), 11-503 (reckless driving),
21 11-504 (drag racing), and 11-506 (street racing) of this
22 Code, or Sections 9-3 (manslaughter or reckless homicide)
23 and 12-5 (reckless conduct arising from the use of a motor
24 vehicle) of the Criminal Code of 1961 or the Criminal Code
25 of 2012.

26 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

1 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

2 Sec. 6-107. Graduated license.

3 (a) The purpose of the Graduated Licensing Program is to
4 develop safe and mature driving habits in young, inexperienced
5 drivers and reduce or prevent motor vehicle crashes ~~accidents~~,
6 fatalities, and injuries by:

7 (1) providing for an increase in the time of practice
8 period before granting permission to obtain a driver's
9 license;

10 (2) strengthening driver licensing and testing
11 standards for persons under the age of 21 years;

12 (3) sanctioning driving privileges of drivers under
13 age 21 who have committed serious traffic violations or
14 other specified offenses; and

15 (4) setting stricter standards to promote the public's
16 health and safety.

17 (b) The application of any person under the age of 18
18 years, and not legally emancipated, for a drivers license or
19 permit to operate a motor vehicle issued under the laws of this
20 State, shall be accompanied by the written consent of either
21 parent of the applicant; otherwise by the guardian having
22 custody of the applicant, or in the event there is no parent or
23 guardian, then by another responsible adult. The written
24 consent must accompany any application for a driver's license
25 under this subsection (b), regardless of whether or not the

1 required written consent also accompanied the person's
2 previous application for an instruction permit.

3 No graduated driver's license shall be issued to any
4 applicant under 18 years of age, unless the applicant is at
5 least 16 years of age and has:

6 (1) Held a valid instruction permit for a minimum of 9
7 months.

8 (2) Passed an approved driver education course and
9 submits proof of having passed the course as may be
10 required.

11 (3) Certification by the parent, legal guardian, or
12 responsible adult that the applicant has had a minimum of
13 50 hours of behind-the-wheel practice time, at least 10
14 hours of which have been at night, and is sufficiently
15 prepared and able to safely operate a motor vehicle.

16 (b-1) No graduated driver's license shall be issued to any
17 applicant who is under 18 years of age and not legally
18 emancipated, unless the applicant has graduated from a
19 secondary school of this State or any other state, is enrolled
20 in a course leading to a high school equivalency certificate,
21 has obtained a high school equivalency certificate, is enrolled
22 in an elementary or secondary school or college or university
23 of this State or any other state and is not a chronic or
24 habitual truant as provided in Section 26-2a of the School
25 Code, or is receiving home instruction and submits proof of
26 meeting any of those requirements at the time of application.

1 An applicant under 18 years of age who provides proof
2 acceptable to the Secretary that the applicant has resumed
3 regular school attendance or home instruction or that his or
4 her application was denied in error shall be eligible to
5 receive a graduated license if other requirements are met. The
6 Secretary shall adopt rules for implementing this subsection
7 (b-1).

8 (c) No graduated driver's license or permit shall be issued
9 to any applicant under 18 years of age who has committed the
10 offense of operating a motor vehicle without a valid license or
11 permit in violation of Section 6-101 of this Code or a similar
12 out of state offense and no graduated driver's license or
13 permit shall be issued to any applicant under 18 years of age
14 who has committed an offense that would otherwise result in a
15 mandatory revocation of a license or permit as provided in
16 Section 6-205 of this Code or who has been either convicted of
17 or adjudicated a delinquent based upon a violation of the
18 Cannabis Control Act, the Illinois Controlled Substances Act,
19 the Use of Intoxicating Compounds Act, or the Methamphetamine
20 Control and Community Protection Act while that individual was
21 in actual physical control of a motor vehicle. For purposes of
22 this Section, any person placed on probation under Section 10
23 of the Cannabis Control Act, Section 410 of the Illinois
24 Controlled Substances Act, or Section 70 of the Methamphetamine
25 Control and Community Protection Act shall not be considered
26 convicted. Any person found guilty of this offense, while in

1 actual physical control of a motor vehicle, shall have an entry
2 made in the court record by the judge that this offense did
3 occur while the person was in actual physical control of a
4 motor vehicle and order the clerk of the court to report the
5 violation to the Secretary of State as such.

6 (d) No graduated driver's license shall be issued for 9
7 months to any applicant under the age of 18 years who has
8 committed and subsequently been convicted of an offense against
9 traffic regulations governing the movement of vehicles, any
10 violation of this Section or Section 12-603.1 of this Code, or
11 who has received a disposition of court supervision for a
12 violation of Section 6-20 of the Illinois Liquor Control Act of
13 1934 or a similar provision of a local ordinance.

14 (e) No graduated driver's license holder under the age of
15 18 years shall operate any motor vehicle, except a motor driven
16 cycle or motorcycle, with more than one passenger in the front
17 seat of the motor vehicle and no more passengers in the back
18 seats than the number of available seat safety belts as set
19 forth in Section 12-603 of this Code. If a graduated driver's
20 license holder over the age of 18 committed an offense against
21 traffic regulations governing the movement of vehicles or any
22 violation of this Section or Section 12-603.1 of this Code in
23 the 6 months prior to the graduated driver's license holder's
24 18th birthday, and was subsequently convicted of the violation,
25 the provisions of this paragraph shall continue to apply until
26 such time as a period of 6 consecutive months has elapsed

1 without an additional violation and subsequent conviction of an
2 offense against traffic regulations governing the movement of
3 vehicles or any violation of this Section or Section 12-603.1
4 of this Code.

5 (f) (Blank).

6 (g) If a graduated driver's license holder is under the age
7 of 18 when he or she receives the license, for the first 12
8 months he or she holds the license or until he or she reaches
9 the age of 18, whichever occurs sooner, the graduated license
10 holder may not operate a motor vehicle with more than one
11 passenger in the vehicle who is under the age of 20, unless any
12 additional passenger or passengers are siblings,
13 step-siblings, children, or stepchildren of the driver. If a
14 graduated driver's license holder committed an offense against
15 traffic regulations governing the movement of vehicles or any
16 violation of this Section or Section 12-603.1 of this Code
17 during the first 12 months the license is held and subsequently
18 is convicted of the violation, the provisions of this paragraph
19 shall remain in effect until such time as a period of 6
20 consecutive months has elapsed without an additional violation
21 and subsequent conviction of an offense against traffic
22 regulations governing the movement of vehicles or any violation
23 of this Section or Section 12-603.1 of this Code.

24 (h) It shall be an offense for a person that is age 15, but
25 under age 20, to be a passenger in a vehicle operated by a
26 driver holding a graduated driver's license during the first 12

1 months the driver holds the license or until the driver reaches
2 the age of 18, whichever occurs sooner, if another passenger
3 under the age of 20 is present, excluding a sibling,
4 step-sibling, child, or step-child of the driver.

5 (i) No graduated driver's license shall be issued to any
6 applicant under the age of 18 years if the applicant has been
7 issued a traffic citation for which a disposition has not been
8 rendered at the time of application.

9 (Source: P.A. 97-229, eff. 7-28-11; 97-835, eff. 7-20-12;
10 98-168, eff. 1-1-14; 98-718, eff. 1-1-15.)

11 (625 ILCS 5/6-107.5)

12 Sec. 6-107.5. Adult Driver Education Course.

13 (a) The Secretary shall establish by rule the curriculum
14 and designate the materials to be used in an adult driver
15 education course. The course shall be at least 6 hours in
16 length and shall include instruction on traffic laws; highway
17 signs, signals, and markings that regulate, warn, or direct
18 traffic; and issues commonly associated with motor vehicle
19 crashes ~~accidents~~ including poor decision-making, risk taking,
20 impaired driving, distraction, speed, failure to use a safety
21 belt, driving at night, failure to yield the right-of-way,
22 texting while driving, using wireless communication devices,
23 and alcohol and drug awareness. The curriculum shall not
24 require the operation of a motor vehicle.

25 (b) The Secretary shall certify course providers. The

1 requirements to be a certified course provider, the process for
2 applying for certification, and the procedure for decertifying
3 a course provider shall be established by rule.

4 (b-5) In order to qualify for certification as an adult
5 driver education course provider, each applicant must
6 authorize an investigation that includes a fingerprint-based
7 background check to determine if the applicant has ever been
8 convicted of a criminal offense and, if so, the disposition of
9 any conviction. This authorization shall indicate the scope of
10 the inquiry and the agencies that may be contacted. Upon
11 receiving this authorization, the Secretary of State may
12 request and receive information and assistance from any
13 federal, State, or local governmental agency as part of the
14 authorized investigation. Each applicant shall submit his or
15 her fingerprints to the Department of State Police in the form
16 and manner prescribed by the Department of State Police. These
17 fingerprints shall be checked against fingerprint records now
18 and hereafter filed in the Department of State Police and
19 Federal Bureau of Investigation criminal history record
20 databases. The Department of State Police shall charge
21 applicants a fee for conducting the criminal history record
22 check, which shall be deposited into the State Police Services
23 Fund and shall not exceed the actual cost of the State and
24 national criminal history record check. The Department of State
25 Police shall furnish, pursuant to positive identification,
26 records of Illinois criminal convictions to the Secretary and

1 shall forward the national criminal history record information
2 to the Secretary. Applicants shall pay any other
3 fingerprint-related fees. Unless otherwise prohibited by law,
4 the information derived from the investigation, including the
5 source of the information and any conclusions or
6 recommendations derived from the information by the Secretary
7 of State, shall be provided to the applicant upon request to
8 the Secretary of State prior to any final action by the
9 Secretary of State on the application. Any criminal conviction
10 information obtained by the Secretary of State shall be
11 confidential and may not be transmitted outside the Office of
12 the Secretary of State, except as required by this subsection
13 (b-5), and may not be transmitted to anyone within the Office
14 of the Secretary of State except as needed for the purpose of
15 evaluating the applicant. At any administrative hearing held
16 under Section 2-118 of this Code relating to the denial,
17 cancellation, suspension, or revocation of certification of an
18 adult driver education course provider, the Secretary of State
19 may utilize at that hearing any criminal history, criminal
20 conviction, and disposition information obtained under this
21 subsection (b-5). The information obtained from the
22 investigation may be maintained by the Secretary of State or
23 any agency to which the information was transmitted. Only
24 information and standards which bear a reasonable and rational
25 relation to the performance of providing adult driver education
26 shall be used by the Secretary of State. Any employee of the

1 Secretary of State who gives or causes to be given away any
2 confidential information concerning any criminal convictions
3 or disposition of criminal convictions of an applicant shall be
4 guilty of a Class A misdemeanor unless release of the
5 information is authorized by this Section.

6 (c) The Secretary may permit a course provider to offer the
7 course online, if the Secretary is satisfied the course
8 provider has established adequate procedures for verifying:

9 (1) the identity of the person taking the course
10 online; and

11 (2) the person completes the entire course.

12 (d) The Secretary shall establish a method of electronic
13 verification of a student's successful completion of the
14 course.

15 (e) The fee charged by the course provider must bear a
16 reasonable relationship to the cost of the course. The
17 Secretary shall post on the Secretary of State's website a list
18 of approved course providers, the fees charged by the
19 providers, and contact information for each provider.

20 (f) In addition to any other fee charged by the course
21 provider, the course provider shall collect a fee of \$5 from
22 each student to offset the costs incurred by the Secretary in
23 administering this program. The \$5 shall be submitted to the
24 Secretary within 14 days of the day on which it was collected.
25 All such fees received by the Secretary shall be deposited in
26 the Secretary of State Driver Services Administration Fund.

1 (Source: P.A. 98-167, eff. 7-1-14; 98-876, eff. 1-1-15.)

2 (625 ILCS 5/6-108.1)

3 Sec. 6-108.1. Notice to Secretary; denial of license;
4 persons under 18.

5 (a) The State's Attorney must notify the Secretary of the
6 charges pending against any person younger than 18 years of age
7 who has been charged with a violation of this Code, the
8 Criminal Code of 2012, or the Criminal Code of 1961 arising out
9 of a crash ~~an accident~~ in which the person was involved as a
10 driver and that caused the death of or a type A injury to
11 another person. A "type A injury" includes severely bleeding
12 wounds, distorted extremities, and injuries that require the
13 injured party to be carried from the scene. The State's
14 Attorney must notify the Secretary on a form prescribed by the
15 Secretary.

16 (b) The Secretary, upon receiving notification from the
17 State's Attorney, may deny any driver's license to any person
18 younger than 18 years of age against whom the charges are
19 pending.

20 (c) The State's Attorney must notify the Secretary of the
21 final disposition of the case of any person who has been denied
22 a driver's license under subsection (b).

23 (d) The Secretary must adopt rules for implementing this
24 Section.

25 (Source: P.A. 97-1150, eff. 1-25-13.)

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

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

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

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

15 (c) The Secretary of State may issue a probationary license
16 to a person whose driving privileges have been suspended
17 pursuant to subsection (d) of this Section or subsection (a) (2)
18 of Section 6-206 of this Code. This subsection (c) does not
19 apply to any driver required to possess a CDL for the purpose
20 of operating a commercial motor vehicle. The Secretary of State
21 shall promulgate rules pursuant to the Illinois Administrative
22 Procedure Act, setting forth the conditions and criteria for
23 the issuance and cancellation of probationary licenses.

24 (d) The Secretary of State may upon receiving satisfactory
25 evidence of any violation of the restrictions of such license

1 or permit suspend, revoke or cancel the same without
2 preliminary hearing, but the licensee or permittee shall be
3 entitled to a hearing as in the case of a suspension or
4 revocation.

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

8 (f) Whenever the holder of a restricted driving permit is
9 issued a citation for any of the following offenses including
10 similar local ordinances, the restricted driving permit is
11 immediately invalidated:

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

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

17 3. Violation of Section 11-401 of this Act relating to
18 the offense of leaving the scene of a traffic crash
19 ~~accident~~ involving death or injury;

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

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

24 The police officer issuing the citation shall confiscate
25 the restricted driving permit and forward it, along with the
26 citation, to the Clerk of the Circuit Court of the county in

1 which the citation was issued.

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

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

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

19 3. Successfully complete a road test administered
20 during nighttime hours.

21 The special restricted license holder must submit to the
22 Secretary annually a vision specialist report from his or her
23 ophthalmologist or optometrist that the special restricted
24 license holder's vision has not changed. If the special
25 restricted license holder fails to submit this vision
26 specialist report, the special restricted license shall be

1 cancelled under Section 6-201 of this Code.

2 At a minimum, all drivers renewing this license must meet
3 the following requirements:

4 1. Successfully complete a road test administered
5 during nighttime hours.

6 2. Have a driving record that does not include any
7 traffic crashes ~~accidents~~ that occurred during nighttime
8 hours, for which the driver has been found to be at fault,
9 during the 12 months before he or she applied for the
10 special restricted license.

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

21 (i) The Secretary of State may issue a special restricted
22 training permit for a period of 6 months to individuals using
23 vision aid arrangements other than standard eyeglasses or
24 contact lenses, allowing the operation of a motor vehicle
25 between sunset and 10:00 p.m. provided the driver is
26 accompanied by a person holding a valid driver's license

1 without nighttime operation restrictions. The Secretary may
2 adopt rules defining the terms and conditions by which the
3 individual may obtain and renew this special restricted
4 training permit. At a minimum, all persons applying for a
5 special restricted training permit must meet the following
6 requirements:

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

11 2. Have a driving record that does not include any
12 traffic crashes ~~accidents~~, for which the person has been
13 found to be at fault, during the 6 months before he or she
14 applied for the special restricted training permit.

15 (j) Whenever the Secretary of State has issued an
16 administrative order requiring an individual to use an ignition
17 interlock device after his or her driver's license has been
18 reinstated, that individual shall be issued a driver's license
19 containing the ignition interlock device restriction. The
20 administrative order shall set forth the duration of the
21 restriction and any other applicable terms and conditions.

22 (Source: P.A. 98-746, eff. 1-1-15; 98-747, eff. 1-1-15; 99-78,
23 eff. 7-20-15; 99-289, eff. 8-6-15.)

24 (625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)

25 Sec. 6-117. Records to be kept by the Secretary of State.

1 (a) The Secretary of State shall file every application for
2 a license or permit accepted under this Chapter, and shall
3 maintain suitable indexes thereof. The records of the Secretary
4 of State shall indicate the action taken with respect to such
5 applications.

6 (b) The Secretary of State shall maintain appropriate
7 records of all licenses and permits refused, cancelled,
8 disqualified, revoked, or suspended and of the revocation,
9 suspension, and disqualification of driving privileges of
10 persons not licensed under this Chapter, and such records shall
11 note the reasons for such action.

12 (c) The Secretary of State shall maintain appropriate
13 records of convictions reported under this Chapter. Records of
14 conviction may be maintained in a computer processible medium.

15 (d) The Secretary of State may also maintain appropriate
16 records of any crash ~~accident~~ reports received.

17 (e) The Secretary of State shall also maintain appropriate
18 records of any disposition of supervision or records relative
19 to a driver's referral to a driver remedial or rehabilitative
20 program, as required by the Secretary of State or the courts.
21 Such records shall only be available for use by the Secretary,
22 the driver licensing administrator of any other state, law
23 enforcement agencies, the courts, and the affected driver or,
24 upon proper verification, such affected driver's attorney.

25 (f) The Secretary of State shall also maintain or contract
26 to maintain appropriate records of all photographs and

1 signatures obtained in the process of issuing any driver's
2 license, permit, or identification card. The record shall be
3 confidential and shall not be disclosed except to those
4 entities listed under Section 6-110.1 of this Code.

5 (g) The Secretary of State may establish a First Person
6 Consent organ and tissue donor registry in compliance with
7 subsection (b-1) of Section 5-20 of the Illinois Anatomical
8 Gift Act, as follows:

9 (1) The Secretary shall offer, to each applicant for
10 issuance or renewal of a driver's license or identification
11 card who is 16 years of age or older, the opportunity to
12 have his or her name included in the First Person Consent
13 organ and tissue donor registry. The Secretary must advise
14 the applicant or licensee that he or she is under no
15 compulsion to have his or her name included in the
16 registry. An individual who agrees to having his or her
17 name included in the First Person Consent organ and tissue
18 donor registry has given full legal consent to the donation
19 of any of his or her organs or tissue upon his or her
20 death. A brochure explaining this method of executing an
21 anatomical gift must be given to each applicant for
22 issuance or renewal of a driver's license or identification
23 card. The brochure must advise the applicant or licensee
24 (i) that he or she is under no compulsion to have his or
25 her name included in this registry and (ii) that he or she
26 may wish to consult with family, friends, or clergy before

1 doing so.

2 (2) The Secretary of State may establish additional
3 methods by which an individual may have his or her name
4 included in the First Person Consent organ and tissue donor
5 registry.

6 (3) When an individual has agreed to have his or her
7 name included in the First Person Consent organ and tissue
8 donor registry, the Secretary of State shall note that
9 agreement in the First Person consent organ and tissue
10 donor registry. Representatives of federally designated
11 organ procurement agencies and tissue banks and the offices
12 of Illinois county coroners and medical examiners may
13 inquire of the Secretary of State whether a potential organ
14 donor's name is included in the First Person Consent organ
15 and tissue donor registry, and the Secretary of State may
16 provide that information to the representative.

17 (4) An individual may withdraw his or her consent to be
18 listed in the First Person Consent organ and tissue donor
19 registry maintained by the Secretary of State by notifying
20 the Secretary of State in writing, or by any other means
21 approved by the Secretary, of the individual's decision to
22 have his or her name removed from the registry.

23 (5) The Secretary of State may undertake additional
24 efforts, including education and awareness activities, to
25 promote organ and tissue donation.

26 (6) In the absence of gross negligence or willful

1 misconduct, the Secretary of State and his or her employees
2 are immune from any civil or criminal liability in
3 connection with an individual's consent to be listed in the
4 organ and tissue donor registry.

5 (Source: P.A. 100-41, eff. 1-1-18.)

6 (625 ILCS 5/6-117.2)

7 Sec. 6-117.2. Emergency contact database.

8 (a) The Secretary of State shall establish a database of
9 the emergency contacts of persons who hold a driver's license,
10 instruction permit, or any other type of driving permit issued
11 by the Secretary of State. Information in the database shall be
12 accessible only to employees of the Office of the Secretary and
13 law enforcement officers employed by a law enforcement agency.
14 Law enforcement officers may share information contained in the
15 emergency contact database, including disabilities and special
16 needs information, with other public safety workers on scene,
17 as needed to conduct official law enforcement duties.

18 (b) Any person holding a driver's license, instruction
19 permit, or any other type of driving permit issued by the
20 Secretary of State shall be afforded the opportunity to provide
21 the Secretary of State, in a manner and form designated by the
22 Secretary of State, the name, address, telephone number, and
23 relationship to the holder of no more than 2 emergency contact
24 persons whom the holder wishes to be contacted by a law
25 enforcement officer if the holder is involved in a motor

1 vehicle crash ~~accident~~ or other emergency situation and the
2 holder is unable to communicate with the contact person or
3 persons and may designate whether the holder has a disability
4 or is a special needs individual. A contact person need not be
5 the holder's next of kin.

6 (c) The Secretary shall adopt rules to implement this
7 Section. At a minimum, the rules shall address all of the
8 following:

9 (1) the method whereby a holder may provide the
10 Secretary of State with emergency contact, disability, and
11 special needs information;

12 (2) the method whereby a holder may provide the
13 Secretary of State with a change to the emergency contact,
14 disability, and special needs information; and

15 (3) any other aspect of the database or its operation
16 that the Secretary determines is necessary to implement
17 this Section.

18 (d) If a person involved in a motor vehicle crash ~~accident~~
19 or other emergency situation is unable to communicate with the
20 contact person or persons specified in the database, a law
21 enforcement officer shall make a good faith effort to notify
22 the contact person or persons of the situation. Neither the law
23 enforcement officer nor the law enforcement agency that employs
24 that law enforcement officer incurs any liability, however, if
25 the law enforcement officer is not able to make contact with
26 the contact person. Except for willful or wanton misconduct,

1 neither the law enforcement officer, nor the law enforcement
2 agency that employs the law enforcement officer, shall incur
3 any liability relating to the reporting or use of the database
4 during a motor vehicle crash ~~accident~~ or other emergency
5 situation.

6 (e) The Secretary of State shall make a good faith effort
7 to maintain accurate data as provided by the driver's license
8 or instruction permit holder and to provide that information to
9 law enforcement as provided in subsection (a). The Secretary of
10 State is not liable for any damages, costs, or expenses,
11 including, without limitation, consequential damages, arising
12 or resulting from any inaccurate or incomplete data or system
13 unavailability. Except for willful or wanton misconduct, the
14 Secretary of State shall not incur any liability relating to
15 the reporting of disabilities or special needs individuals.

16 (f) As used in this Section:

17 "Disability" means an individual's physical or mental
18 impairment that substantially limits one or more of the major
19 life activities; a record of such impairment; or when the
20 individual is regarded as having such impairment.

21 "Public safety worker" means a person employed by this
22 State or a political subdivision thereof that provides
23 firefighting, law enforcement, medical or other emergency
24 services.

25 "Special needs individuals" means those individuals who
26 have or are at increased risk for a chronic physical,

1 developmental, behavioral, or emotional condition and who also
2 require health and related services of a type or amount beyond
3 that required by individuals generally.

4 (Source: P.A. 95-898, eff. 7-1-09; 96-1168, eff. 1-1-11.)

5 (625 ILCS 5/6-201)

6 (Text of Section before amendment by P.A. 101-623)

7 Sec. 6-201. Authority to cancel licenses and permits.

8 (a) The Secretary of State is authorized to cancel any
9 license or permit upon determining that the holder thereof:

10 1. was not entitled to the issuance thereof hereunder;

11 or

12 2. failed to give the required or correct information
13 in his application; or

14 3. failed to pay any fees, civil penalties owed to the
15 Illinois Commerce Commission, or taxes due under this Act
16 and upon reasonable notice and demand; or

17 4. committed any fraud in the making of such
18 application; or

19 5. is ineligible therefor under the provisions of
20 Section 6-103 of this Act, as amended; or

21 6. has refused or neglected to submit an alcohol, drug,
22 and intoxicating compound evaluation or to submit to
23 examination or re-examination as required under this Act;

24 or

25 7. has been convicted of violating the Cannabis Control

1 Act, the Illinois Controlled Substances Act, the
2 Methamphetamine Control and Community Protection Act, or
3 the Use of Intoxicating Compounds Act while that individual
4 was in actual physical control of a motor vehicle. For
5 purposes of this Section, any person placed on probation
6 under Section 10 of the Cannabis Control Act, Section 410
7 of the Illinois Controlled Substances Act, or Section 70 of
8 the Methamphetamine Control and Community Protection Act
9 shall not be considered convicted. Any person found guilty
10 of this offense, while in actual physical control of a
11 motor vehicle, shall have an entry made in the court record
12 by the judge that this offense did occur while the person
13 was in actual physical control of a motor vehicle and order
14 the clerk of the court to report the violation to the
15 Secretary of State as such. After the cancellation, the
16 Secretary of State shall not issue a new license or permit
17 for a period of one year after the date of cancellation.
18 However, upon application, the Secretary of State may, if
19 satisfied that the person applying will not endanger the
20 public safety, or welfare, issue a restricted driving
21 permit granting the privilege of driving a motor vehicle
22 between the petitioner's residence and petitioner's place
23 of employment or within the scope of the petitioner's
24 employment related duties, or to allow transportation for
25 the petitioner or a household member of the petitioner's
26 family for the receipt of necessary medical care, or

1 provide transportation for the petitioner to and from
2 alcohol or drug remedial or rehabilitative activity
3 recommended by a licensed service provider, or for the
4 petitioner to attend classes, as a student, in an
5 accredited educational institution. The petitioner must
6 demonstrate that no alternative means of transportation is
7 reasonably available; provided that the Secretary's
8 discretion shall be limited to cases where undue hardship,
9 as defined by the rules of the Secretary of State, would
10 result from a failure to issue such restricted driving
11 permit. In each case the Secretary of State may issue such
12 restricted driving permit for such period as he deems
13 appropriate, except that such permit shall expire no later
14 than 2 years from the date of issuance. A restricted
15 driving permit issued hereunder shall be subject to
16 cancellation, revocation and suspension by the Secretary
17 of State in like manner and for like cause as a driver's
18 license issued hereunder may be cancelled, revoked or
19 suspended; except that a conviction upon one or more
20 offenses against laws or ordinances regulating the
21 movement of traffic shall be deemed sufficient cause for
22 the revocation, suspension or cancellation of a restricted
23 driving permit. The Secretary of State may, as a condition
24 to the issuance of a restricted driving permit, require the
25 applicant to participate in a driver remedial or
26 rehabilitative program. In accordance with 49 C.F.R. 384,

1 the Secretary of State may not issue a restricted driving
2 permit for the operation of a commercial motor vehicle to a
3 person holding a CDL whose driving privileges have been
4 revoked, suspended, cancelled, or disqualified under this
5 Code; or

6 8. failed to submit a report as required by Section
7 6-116.5 of this Code; or

8 9. has been convicted of a sex offense as defined in
9 the Sex Offender Registration Act. The driver's license
10 shall remain cancelled until the driver registers as a sex
11 offender as required by the Sex Offender Registration Act,
12 proof of the registration is furnished to the Secretary of
13 State and the sex offender provides proof of current
14 address to the Secretary; or

15 10. is ineligible for a license or permit under Section
16 6-107, 6-107.1, or 6-108 of this Code; or

17 11. refused or neglected to appear at a Driver Services
18 facility to have the license or permit corrected and a new
19 license or permit issued or to present documentation for
20 verification of identity; or

21 12. failed to submit a medical examiner's certificate
22 or medical variance as required by 49 C.F.R. 383.71 or
23 submitted a fraudulent medical examiner's certificate or
24 medical variance; or

25 13. has had his or her medical examiner's certificate,
26 medical variance, or both removed or rescinded by the

1 Federal Motor Carrier Safety Administration; or

2 14. failed to self-certify as to the type of driving in
3 which the CDL driver engages or expects to engage; or

4 15. has submitted acceptable documentation indicating
5 out-of-state residency to the Secretary of State to be
6 released from the requirement of showing proof of financial
7 responsibility in this State; or

8 16. was convicted of fraud relating to the testing or
9 issuance of a CDL or CLP, in which case only the CDL or CLP
10 shall be cancelled. After cancellation, the Secretary
11 shall not issue a CLP or CDL for a period of one year from
12 the date of cancellation; or

13 17. has a special restricted license under subsection
14 (g) of Section 6-113 of this Code and failed to submit the
15 required annual vision specialist report that the special
16 restricted license holder's vision has not changed; or

17 18. has a special restricted license under subsection
18 (g) of Section 6-113 of this Code and was convicted or
19 received court supervision for a violation of this Code
20 that occurred during nighttime hours or was involved in a
21 motor vehicle crash ~~accident~~ during nighttime hours in
22 which the restricted license holder was at fault; or

23 19. has assisted an out-of-state resident in acquiring
24 an Illinois driver's license or identification card by
25 providing or allowing the out-of-state resident to use his
26 or her Illinois address of residence and is complicit in

1 distributing and forwarding the Illinois driver's license
2 or identification card to the out-of-state resident.

3 (b) Upon such cancellation the licensee or permittee must
4 surrender the license or permit so cancelled to the Secretary
5 of State.

6 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
7 Secretary of State shall have exclusive authority to grant,
8 issue, deny, cancel, suspend and revoke driving privileges,
9 drivers' licenses and restricted driving permits.

10 (d) The Secretary of State may adopt rules to implement
11 this Section.

12 (Source: P.A. 100-409, eff. 8-25-17; 100-803, eff. 1-1-19.)

13 (Text of Section after amendment by P.A. 101-623)

14 Sec. 6-201. Authority to cancel licenses and permits.

15 (a) The Secretary of State is authorized to cancel any
16 license or permit upon determining that the holder thereof:

17 1. was not entitled to the issuance thereof hereunder;

18 or

19 2. failed to give the required or correct information
20 in his application; or

21 3. failed to pay any fees owed to the Secretary of
22 State under this Code for the license or permit; or

23 4. committed any fraud in the making of such
24 application; or

25 5. is ineligible therefor under the provisions of

1 Section 6-103 of this Act, as amended; or

2 6. has refused or neglected to submit an alcohol, drug,
3 and intoxicating compound evaluation or to submit to
4 examination or re-examination as required under this Act;
5 or

6 7. has been convicted of violating the Cannabis Control
7 Act, the Illinois Controlled Substances Act, the
8 Methamphetamine Control and Community Protection Act, or
9 the Use of Intoxicating Compounds Act while that individual
10 was in actual physical control of a motor vehicle. For
11 purposes of this Section, any person placed on probation
12 under Section 10 of the Cannabis Control Act, Section 410
13 of the Illinois Controlled Substances Act, or Section 70 of
14 the Methamphetamine Control and Community Protection Act
15 shall not be considered convicted. Any person found guilty
16 of this offense, while in actual physical control of a
17 motor vehicle, shall have an entry made in the court record
18 by the judge that this offense did occur while the person
19 was in actual physical control of a motor vehicle and order
20 the clerk of the court to report the violation to the
21 Secretary of State as such. After the cancellation, the
22 Secretary of State shall not issue a new license or permit
23 for a period of one year after the date of cancellation.
24 However, upon application, the Secretary of State may, if
25 satisfied that the person applying will not endanger the
26 public safety, or welfare, issue a restricted driving

1 permit granting the privilege of driving a motor vehicle
2 between the petitioner's residence and petitioner's place
3 of employment or within the scope of the petitioner's
4 employment related duties, or to allow transportation for
5 the petitioner or a household member of the petitioner's
6 family for the receipt of necessary medical care, or
7 provide transportation for the petitioner to and from
8 alcohol or drug remedial or rehabilitative activity
9 recommended by a licensed service provider, or for the
10 petitioner to attend classes, as a student, in an
11 accredited educational institution. The petitioner must
12 demonstrate that no alternative means of transportation is
13 reasonably available; provided that the Secretary's
14 discretion shall be limited to cases where undue hardship,
15 as defined by the rules of the Secretary of State, would
16 result from a failure to issue such restricted driving
17 permit. In each case the Secretary of State may issue such
18 restricted driving permit for such period as he deems
19 appropriate, except that such permit shall expire no later
20 than 2 years from the date of issuance. A restricted
21 driving permit issued hereunder shall be subject to
22 cancellation, revocation and suspension by the Secretary
23 of State in like manner and for like cause as a driver's
24 license issued hereunder may be cancelled, revoked or
25 suspended; except that a conviction upon one or more
26 offenses against laws or ordinances regulating the

1 movement of traffic shall be deemed sufficient cause for
2 the revocation, suspension or cancellation of a restricted
3 driving permit. The Secretary of State may, as a condition
4 to the issuance of a restricted driving permit, require the
5 applicant to participate in a driver remedial or
6 rehabilitative program. In accordance with 49 C.F.R. 384,
7 the Secretary of State may not issue a restricted driving
8 permit for the operation of a commercial motor vehicle to a
9 person holding a CDL whose driving privileges have been
10 revoked, suspended, cancelled, or disqualified under this
11 Code; or

12 8. failed to submit a report as required by Section
13 6-116.5 of this Code; or

14 9. has been convicted of a sex offense as defined in
15 the Sex Offender Registration Act. The driver's license
16 shall remain cancelled until the driver registers as a sex
17 offender as required by the Sex Offender Registration Act,
18 proof of the registration is furnished to the Secretary of
19 State and the sex offender provides proof of current
20 address to the Secretary; or

21 10. is ineligible for a license or permit under Section
22 6-107, 6-107.1, or 6-108 of this Code; or

23 11. refused or neglected to appear at a Driver Services
24 facility to have the license or permit corrected and a new
25 license or permit issued or to present documentation for
26 verification of identity; or

1 12. failed to submit a medical examiner's certificate
2 or medical variance as required by 49 C.F.R. 383.71 or
3 submitted a fraudulent medical examiner's certificate or
4 medical variance; or

5 13. has had his or her medical examiner's certificate,
6 medical variance, or both removed or rescinded by the
7 Federal Motor Carrier Safety Administration; or

8 14. failed to self-certify as to the type of driving in
9 which the CDL driver engages or expects to engage; or

10 15. has submitted acceptable documentation indicating
11 out-of-state residency to the Secretary of State to be
12 released from the requirement of showing proof of financial
13 responsibility in this State; or

14 16. was convicted of fraud relating to the testing or
15 issuance of a CDL or CLP, in which case only the CDL or CLP
16 shall be cancelled. After cancellation, the Secretary
17 shall not issue a CLP or CDL for a period of one year from
18 the date of cancellation; or

19 17. has a special restricted license under subsection
20 (g) of Section 6-113 of this Code and failed to submit the
21 required annual vision specialist report that the special
22 restricted license holder's vision has not changed; or

23 18. has a special restricted license under subsection
24 (g) of Section 6-113 of this Code and was convicted or
25 received court supervision for a violation of this Code
26 that occurred during nighttime hours or was involved in a

1 motor vehicle crash ~~accident~~ during nighttime hours in
2 which the restricted license holder was at fault; or

3 19. has assisted an out-of-state resident in acquiring
4 an Illinois driver's license or identification card by
5 providing or allowing the out-of-state resident to use his
6 or her Illinois address of residence and is complicit in
7 distributing and forwarding the Illinois driver's license
8 or identification card to the out-of-state resident.

9 (b) Upon such cancellation the licensee or permittee must
10 surrender the license or permit so cancelled to the Secretary
11 of State.

12 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
13 Secretary of State shall have exclusive authority to grant,
14 issue, deny, cancel, suspend and revoke driving privileges,
15 drivers' licenses and restricted driving permits.

16 (d) The Secretary of State may adopt rules to implement
17 this Section.

18 (Source: P.A. 100-409, eff. 8-25-17; 100-803, eff. 1-1-19;
19 101-623, eff. 7-1-20.)

20 (625 ILCS 5/6-205)

21 (Text of Section before amendment by P.A. 101-623)

22 Sec. 6-205. Mandatory revocation of license or permit;
23 hardship cases.

24 (a) Except as provided in this Section, the Secretary of
25 State shall immediately revoke the license, permit, or driving

1 privileges of any driver upon receiving a report of the
2 driver's conviction of any of the following offenses:

3 1. Reckless homicide resulting from the operation of a
4 motor vehicle;

5 2. Violation of Section 11-501 of this Code or a
6 similar provision of a local ordinance relating to the
7 offense of operating or being in physical control of a
8 vehicle while under the influence of alcohol, other drug or
9 drugs, intoxicating compound or compounds, or any
10 combination thereof;

11 3. Any felony under the laws of any State or the
12 federal government in the commission of which a motor
13 vehicle was used;

14 4. Violation of Section 11-401 of this Code relating to
15 the offense of leaving the scene of a traffic crash
16 ~~accident~~ involving death or personal injury;

17 5. Perjury or the making of a false affidavit or
18 statement under oath to the Secretary of State under this
19 Code or under any other law relating to the ownership or
20 operation of motor vehicles;

21 6. Conviction upon 3 charges of violation of Section
22 11-503 of this Code relating to the offense of reckless
23 driving committed within a period of 12 months;

24 7. Conviction of any offense defined in Section 4-102
25 of this Code;

26 8. Violation of Section 11-504 of this Code relating to

1 the offense of drag racing;

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

3 10. Violation of Section 12-5 of the Criminal Code of
4 1961 or the Criminal Code of 2012 arising from the use of a
5 motor vehicle;

6 11. Violation of Section 11-204.1 of this Code relating
7 to aggravated fleeing or attempting to elude a peace
8 officer;

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

13 13. Violation of paragraph (a) of Section 11-502 of
14 this Code or a similar provision of a local ordinance if
15 the driver has been previously convicted of a violation of
16 that Section or a similar provision of a local ordinance
17 and the driver was less than 21 years of age at the time of
18 the offense;

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

22 15. A second or subsequent conviction of driving while
23 the person's driver's license, permit or privileges was
24 revoked for reckless homicide or a similar out-of-state
25 offense;

26 16. Any offense against any provision in this Code, or

1 any local ordinance, regulating the movement of traffic
2 when that offense was the proximate cause of the death of
3 any person. Any person whose driving privileges have been
4 revoked pursuant to this paragraph may seek to have the
5 revocation terminated or to have the length of revocation
6 reduced by requesting an administrative hearing with the
7 Secretary of State prior to the projected driver's license
8 application eligibility date;

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

11 18. A second or subsequent conviction of illegal
12 possession, while operating or in actual physical control,
13 as a driver, of a motor vehicle, of any controlled
14 substance prohibited under the Illinois Controlled
15 Substances Act, any cannabis prohibited under the Cannabis
16 Control Act, or any methamphetamine prohibited under the
17 Methamphetamine Control and Community Protection Act. A
18 defendant found guilty of this offense while operating a
19 motor vehicle shall have an entry made in the court record
20 by the presiding judge that this offense did occur while
21 the defendant was operating a motor vehicle and order the
22 clerk of the court to report the violation to the Secretary
23 of State;

24 19. Violation of subsection (a) of Section 11-1414 of
25 this Code, or a similar provision of a local ordinance,
26 relating to the offense of overtaking or passing of a

1 school bus when the driver, in committing the violation, is
2 involved in a motor vehicle crash ~~accident~~ that results in
3 death to another and the violation is a proximate cause of
4 the death.

5 (b) The Secretary of State shall also immediately revoke
6 the license or permit of any driver in the following
7 situations:

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

13 2. Of any person when any other law of this State
14 requires either the revocation or suspension of a license
15 or permit;

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

24 (c) (1) Whenever a person is convicted of any of the
25 offenses enumerated in this Section, the court may recommend
26 and the Secretary of State in his discretion, without regard to

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

25 (1.5) A person subject to the provisions of paragraph 4 of
26 subsection (b) of Section 6-208 of this Code may make

1 application for a restricted driving permit at a hearing
2 conducted under Section 2-118 of this Code after the expiration
3 of 5 years from the effective date of the most recent
4 revocation, or after 5 years from the date of release from a
5 period of imprisonment resulting from a conviction of the most
6 recent offense, whichever is later, provided the person, in
7 addition to all other requirements of the Secretary, shows by
8 clear and convincing evidence:

9 (A) a minimum of 3 years of uninterrupted abstinence
10 from alcohol and the unlawful use or consumption of
11 cannabis under the Cannabis Control Act, a controlled
12 substance under the Illinois Controlled Substances Act, an
13 intoxicating compound under the Use of Intoxicating
14 Compounds Act, or methamphetamine under the
15 Methamphetamine Control and Community Protection Act; and

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

21 In determining whether an applicant is eligible for a
22 restricted driving permit under this paragraph (1.5), the
23 Secretary may consider any relevant evidence, including, but
24 not limited to, testimony, affidavits, records, and the results
25 of regular alcohol or drug tests. Persons subject to the
26 provisions of paragraph 4 of subsection (b) of Section 6-208 of

1 this Code and who have been convicted of more than one
2 violation of paragraph (3), paragraph (4), or paragraph (5) of
3 subsection (a) of Section 11-501 of this Code shall not be
4 eligible to apply for a restricted driving permit.

5 A restricted driving permit issued under this paragraph
6 (1.5) shall provide that the holder may only operate motor
7 vehicles equipped with an ignition interlock device as required
8 under paragraph (2) of subsection (c) of this Section and
9 subparagraph (A) of paragraph 3 of subsection (c) of Section
10 6-206 of this Code. The Secretary may revoke a restricted
11 driving permit or amend the conditions of a restricted driving
12 permit issued under this paragraph (1.5) if the holder operates
13 a vehicle that is not equipped with an ignition interlock
14 device, or for any other reason authorized under this Code.

15 A restricted driving permit issued under this paragraph
16 (1.5) shall be revoked, and the holder barred from applying for
17 or being issued a restricted driving permit in the future, if
18 the holder is subsequently convicted of a violation of Section
19 11-501 of this Code, a similar provision of a local ordinance,
20 or a similar offense in another state.

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

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

6 (3) If:

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

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

16 (ii) a statutory summary suspension or revocation
17 under Section 11-501.1; or

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

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

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

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

9 (5) If the restricted driving permit is issued for
10 employment purposes, then the prohibition against operating a
11 motor 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 a
15 5-year period, is convicted of a second or subsequent offense
16 under Section 11-501 of this Code, or a similar provision of a
17 local ordinance or similar out-of-state offense, this
18 employment exemption does not apply until either a one-year
19 period has elapsed during which that person had his or her
20 driving privileges revoked or a one-year period has elapsed
21 during which that person had a restricted driving permit which
22 required the use of an ignition interlock device on every motor
23 vehicle owned or operated by that person.

24 (6) In each case the Secretary of State may issue a
25 restricted driving permit for a period he deems appropriate,
26 except that the permit shall expire no later than 2 years from

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

19 (c-5) (Blank).

20 (c-6) If a person is convicted of a second violation of
21 operating a motor vehicle while the person's driver's license,
22 permit or privilege was revoked, where the revocation was for a
23 violation of Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 relating to the offense of reckless
25 homicide or a similar out-of-state offense, the person's
26 driving privileges shall be revoked pursuant to subdivision

1 (a) (15) of this Section. The person may not make application
2 for a license or permit until the expiration of five years from
3 the effective date of the revocation or the expiration of five
4 years from the date of release from a term of imprisonment,
5 whichever is later.

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

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

1 reinstate the petitioner's driver's license and driving
2 privileges, or extend the restricted driving permit as many
3 times as the Secretary of State deems appropriate, by
4 additional periods of not more than 24 months each.

5 (2) If a person's license or permit is revoked or
6 suspended due to 2 or more convictions of violating Section
7 11-501 of this Code or a similar provision of a local
8 ordinance or a similar out-of-state offense, or Section 9-3
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 where the use of alcohol or other drugs is recited as an
11 element of the offense, or a similar out-of-state offense,
12 or a combination of these offenses, arising out of separate
13 occurrences, that person, if issued a restricted driving
14 permit, may not operate a vehicle unless it has been
15 equipped with an ignition interlock device as defined in
16 Section 1-129.1.

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

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

26 (B) a statutory summary suspension or revocation

1 under Section 11-501.1; or

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

7 (3.5) If a person's license or permit is revoked or
8 suspended due to a conviction for a violation of
9 subparagraph (C) or (F) of paragraph (1) of subsection (d)
10 of Section 11-501 of this Code, or a similar provision of a
11 local ordinance or similar out-of-state offense, that
12 person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

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

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

1 a 5-year period, is convicted of a second or subsequent
2 offense under Section 11-501 of this Code, or a similar
3 provision of a local ordinance or similar out-of-state
4 offense, this employment exemption does not apply until
5 either a one-year period has elapsed during which that
6 person had his or her driving privileges revoked or a
7 one-year period has elapsed during which that person had a
8 restricted driving permit which required the use of an
9 ignition interlock device on every motor vehicle owned or
10 operated by that person.

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

20 (d-5) The revocation of the license, permit, or driving
21 privileges of a person convicted of a third or subsequent
22 violation of Section 6-303 of this Code committed while his or
23 her driver's license, permit, or privilege was revoked because
24 of a violation of Section 9-3 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, relating to the offense of reckless
26 homicide, or a similar provision of a law of another state, is

1 permanent. The Secretary may not, at any time, issue a license
2 or permit to that person.

3 (e) This Section is subject to the provisions of the Driver
4 License Compact.

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

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

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

1 installed, except as allowed by subdivision (c) (5) or (d) (5) of
2 this Section.

3 (i) (Blank).

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

9 (k) The Secretary of State shall notify by mail any person
10 whose driving privileges have been revoked under paragraph 16
11 of subsection (a) of this Section that his or her driving
12 privileges and driver's license will be revoked 90 days from
13 the date of the mailing of the notice.

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

18 (Text of Section after amendment by P.A. 101-623)

19 Sec. 6-205. Mandatory revocation of license or permit;
20 hardship cases.

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

25 1. Reckless homicide resulting from the operation of a

1 motor vehicle;

2 2. Violation of Section 11-501 of this Code or a
3 similar provision of a local ordinance relating to the
4 offense of operating or being in physical control of a
5 vehicle while under the influence of alcohol, other drug or
6 drugs, intoxicating compound or compounds, or any
7 combination thereof;

8 3. Any felony under the laws of any State or the
9 federal government in the commission of which a motor
10 vehicle was used;

11 4. Violation of Section 11-401 of this Code relating to
12 the offense of leaving the scene of a traffic crash
13 ~~accident~~ involving death or personal injury;

14 5. Perjury or the making of a false affidavit or
15 statement under oath to the Secretary of State under this
16 Code or under any other law relating to the ownership or
17 operation of motor vehicles;

18 6. Conviction upon 3 charges of violation of Section
19 11-503 of this Code relating to the offense of reckless
20 driving committed within a period of 12 months;

21 7. Conviction of any offense defined in Section 4-102
22 of this Code if the person exercised actual physical
23 control over the vehicle during the commission of the
24 offense;

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

- 1 9. Violation of Chapters 8 and 9 of this Code;
- 2 10. Violation of Section 12-5 of the Criminal Code of
3 1961 or the Criminal Code of 2012 arising from the use of a
4 motor vehicle;
- 5 11. Violation of Section 11-204.1 of this Code relating
6 to aggravated fleeing or attempting to elude a peace
7 officer;
- 8 12. Violation of paragraph (1) of subsection (b) of
9 Section 6-507, or a similar law of any other state,
10 relating to the unlawful operation of a commercial motor
11 vehicle;
- 12 13. Violation of paragraph (a) of Section 11-502 of
13 this Code or a similar provision of a local ordinance if
14 the driver has been previously convicted of a violation of
15 that Section or a similar provision of a local ordinance
16 and the driver was less than 21 years of age at the time of
17 the offense;
- 18 14. Violation of paragraph (a) of Section 11-506 of
19 this Code or a similar provision of a local ordinance
20 relating to the offense of street racing;
- 21 15. A second or subsequent conviction of driving while
22 the person's driver's license, permit or privileges was
23 revoked for reckless homicide or a similar out-of-state
24 offense;
- 25 16. Any offense against any provision in this Code, or
26 any local ordinance, regulating the movement of traffic

1 when that offense was the proximate cause of the death of
2 any person. Any person whose driving privileges have been
3 revoked pursuant to this paragraph may seek to have the
4 revocation terminated or to have the length of revocation
5 reduced by requesting an administrative hearing with the
6 Secretary of State prior to the projected driver's license
7 application eligibility date;

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

10 18. A second or subsequent conviction of illegal
11 possession, while operating or in actual physical control,
12 as a driver, of a motor vehicle, of any controlled
13 substance prohibited under the Illinois Controlled
14 Substances Act, any cannabis prohibited under the Cannabis
15 Control Act, or any methamphetamine prohibited under the
16 Methamphetamine Control and Community Protection Act. A
17 defendant found guilty of this offense while operating a
18 motor vehicle shall have an entry made in the court record
19 by the presiding judge that this offense did occur while
20 the defendant was operating a motor vehicle and order the
21 clerk of the court to report the violation to the Secretary
22 of State;

23 19. Violation of subsection (a) of Section 11-1414 of
24 this Code, or a similar provision of a local ordinance,
25 relating to the offense of overtaking or passing of a
26 school bus when the driver, in committing the violation, is

1 involved in a motor vehicle crash ~~accident~~ that results in
2 death to another and the violation is a proximate cause of
3 the death.

4 (b) The Secretary of State shall also immediately revoke
5 the license or permit of any driver in the following
6 situations:

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

12 2. Of any person when any other law of this State
13 requires either the revocation or suspension of a license
14 or permit;

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

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

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

24 (1.5) A person subject to the provisions of paragraph 4 of
25 subsection (b) of Section 6-208 of this Code may make
26 application for a restricted driving permit at a hearing

1 conducted under Section 2-118 of this Code after the expiration
2 of 5 years from the effective date of the most recent
3 revocation, or after 5 years from the date of release from a
4 period of imprisonment resulting from a conviction of the most
5 recent offense, whichever is later, provided the person, in
6 addition to all other requirements of the Secretary, shows by
7 clear and convincing evidence:

8 (A) a minimum of 3 years of uninterrupted abstinence
9 from alcohol and the unlawful use or consumption of
10 cannabis under the Cannabis Control Act, a controlled
11 substance under the Illinois Controlled Substances Act, an
12 intoxicating compound under the Use of Intoxicating
13 Compounds Act, or methamphetamine under the
14 Methamphetamine Control and Community Protection Act; and

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

20 In determining whether an applicant is eligible for a
21 restricted driving permit under this paragraph (1.5), the
22 Secretary may consider any relevant evidence, including, but
23 not limited to, testimony, affidavits, records, and the results
24 of regular alcohol or drug tests. Persons subject to the
25 provisions of paragraph 4 of subsection (b) of Section 6-208 of
26 this Code and who have been convicted of more than one

1 violation of paragraph (3), paragraph (4), or paragraph (5) of
2 subsection (a) of Section 11-501 of this Code shall not be
3 eligible to apply for a restricted driving permit.

4 A restricted driving permit issued under this paragraph
5 (1.5) shall provide that the holder may only operate motor
6 vehicles equipped with an ignition interlock device as required
7 under paragraph (2) of subsection (c) of this Section and
8 subparagraph (A) of paragraph 3 of subsection (c) of Section
9 6-206 of this Code. The Secretary may revoke a restricted
10 driving permit or amend the conditions of a restricted driving
11 permit issued under this paragraph (1.5) if the holder operates
12 a vehicle that is not equipped with an ignition interlock
13 device, or for any other reason authorized under this Code.

14 A restricted driving permit issued under this paragraph
15 (1.5) shall be revoked, and the holder barred from applying for
16 or being issued a restricted driving permit in the future, if
17 the holder is subsequently convicted of a violation of Section
18 11-501 of this Code, a similar provision of a local ordinance,
19 or a similar offense in another state.

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

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

5 (3) If:

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

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

15 (ii) a statutory summary suspension or revocation
16 under Section 11-501.1; or

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

19 (B) a person has been convicted of one violation of
20 subparagraph (C) or (F) of paragraph (1) of subsection (d)
21 of Section 11-501 of this Code, Section 9-3 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, relating to the
23 offense of reckless homicide where the use of alcohol or
24 other drugs was recited as an element of the offense, or a
25 similar provision of a law of another state;
26 that person, if issued a restricted driving permit, may not

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

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

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

23 (6) In each case the Secretary of State may issue a
24 restricted driving permit for a period he deems appropriate,
25 except that the permit shall expire no later than 2 years from
26 the date of issuance. A restricted driving permit issued under

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

18 (c-5) (Blank).

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

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

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

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

1 privileges, or extend the restricted driving permit as many
2 times as the Secretary of State deems appropriate, by
3 additional periods of not more than 24 months each.

4 (2) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, or Section 9-3
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 where the use of alcohol or other drugs is recited as an
10 element of the offense, or a similar out-of-state offense,
11 or a combination of these offenses, arising out of separate
12 occurrences, that person, if issued a restricted driving
13 permit, may not operate a vehicle unless it has been
14 equipped with an ignition interlock device as defined in
15 Section 1-129.1.

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

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

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

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

6 (3.5) If a person's license or permit is revoked or
7 suspended due to a conviction for a violation of
8 subparagraph (C) or (F) of paragraph (1) of subsection (d)
9 of Section 11-501 of this Code, or a similar provision of a
10 local ordinance or similar out-of-state offense, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section 1-129.1.

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

20 (5) If the restricted driving permit is issued for
21 employment purposes, then the prohibition against driving
22 a vehicle that is not equipped with an ignition interlock
23 device does not apply to the operation of an occupational
24 vehicle owned or leased by that person's employer when used
25 solely for employment purposes. For any person who, within
26 a 5-year period, is convicted of a second or subsequent

1 offense under Section 11-501 of this Code, or a similar
2 provision of a local ordinance or similar out-of-state
3 offense, this employment exemption does not apply until
4 either a one-year period has elapsed during which that
5 person had his or her driving privileges revoked or a
6 one-year period has elapsed during which that person had a
7 restricted driving permit which required the use of an
8 ignition interlock device on every motor vehicle owned or
9 operated by that person.

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

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

1 or permit to that person.

2 (e) This Section is subject to the provisions of the Driver
3 License Compact.

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

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

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

1 this Section.

2 (i) (Blank).

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

8 (k) The Secretary of State shall notify by mail any person
9 whose driving privileges have been revoked under paragraph 16
10 of subsection (a) of this Section that his or her driving
11 privileges and driver's license will be revoked 90 days from
12 the date of the mailing of the notice.

13 (Source: P.A. 100-223, eff. 8-18-17; 100-803, eff. 1-1-19;
14 101-623, eff. 7-1-20.)

15 (625 ILCS 5/6-206)

16 (Text of Section before amendment by P.A. 101-90, 101-470,
17 and 101-623)

18 Sec. 6-206. Discretionary authority to suspend or revoke
19 license or permit; right to a hearing.

20 (a) The Secretary of State is authorized to suspend or
21 revoke the driving privileges of any person without preliminary
22 hearing upon a showing of the person's records or other
23 sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
25 revocation of a driver's license or permit is required upon

1 conviction;

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

7 3. Has been repeatedly involved as a driver in motor
8 vehicle collisions or has been repeatedly convicted of
9 offenses against laws and ordinances regulating the
10 movement of traffic, to a degree that indicates lack of
11 ability to exercise ordinary and reasonable care in the
12 safe operation of a motor vehicle or disrespect for the
13 traffic laws and the safety of other persons upon the
14 highway;

15 4. Has by the unlawful operation of a motor vehicle
16 caused or contributed to a crash ~~an accident~~ resulting in
17 injury requiring immediate professional treatment in a
18 medical facility or doctor's office to any person, except
19 that any suspension or revocation imposed by the Secretary
20 of State under the provisions of this subsection shall
21 start no later than 6 months after being convicted of
22 violating a law or ordinance regulating the movement of
23 traffic, which violation is related to the crash ~~accident~~,
24 or shall start not more than one year after the date of the
25 crash ~~accident~~, whichever date occurs later;

26 5. Has permitted an unlawful or fraudulent use of a

1 driver's license, identification card, or permit;

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

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

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

11 9. Has made a false statement or knowingly concealed a
12 material fact or has used false information or
13 identification in any application for a license,
14 identification card, or permit;

15 10. Has possessed, displayed, or attempted to
16 fraudulently use any license, identification card, or
17 permit not issued to the person;

18 11. Has operated a motor vehicle upon a highway of this
19 State when the person's driving privilege or privilege to
20 obtain a driver's license or permit was revoked or
21 suspended unless the operation was authorized by a
22 monitoring device driving permit, judicial driving permit
23 issued prior to January 1, 2009, probationary license to
24 drive, or a restricted driving permit issued under this
25 Code;

26 12. Has submitted to any portion of the application

1 process for another person or has obtained the services of
2 another person to submit to any portion of the application
3 process for the purpose of obtaining a license,
4 identification card, or permit for some other person;

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

8 14. Has committed a violation of Section 6-301,
9 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
10 14B of the Illinois Identification Card Act;

11 15. Has been convicted of violating Section 21-2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 relating
13 to criminal trespass to vehicles in which case, the
14 suspension shall be for one year;

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

17 17. Has refused to submit to a test, or tests, as
18 required under Section 11-501.1 of this Code and the person
19 has not sought a hearing as provided for in Section
20 11-501.1;

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

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

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

3 21. Has been convicted of violating Section 11-402 of
4 this Code relating to leaving the scene of a crash ~~an~~
5 ~~accident~~ resulting in damage to a vehicle in excess of
6 \$1,000, in which case the suspension shall be for one year;

7 22. Has used a motor vehicle in violating paragraph
8 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
9 the Criminal Code of 1961 or the Criminal Code of 2012
10 relating to unlawful use of weapons, in which case the
11 suspension shall be for one year;

12 23. Has, as a driver, been convicted of committing a
13 violation of paragraph (a) of Section 11-502 of this Code
14 for a second or subsequent time within one year of a
15 similar violation;

16 24. Has been convicted by a court-martial or punished
17 by non-judicial punishment by military authorities of the
18 United States at a military installation in Illinois or in
19 another state of or for a traffic-related ~~traffic-related~~
20 offense that is the same as or similar to an offense
21 specified under Section 6-205 or 6-206 of this Code;

22 25. Has permitted any form of identification to be used
23 by another in the application process in order to obtain or
24 attempt to obtain a license, identification card, or
25 permit;

26 26. Has altered or attempted to alter a license or has

1 possessed an altered license, identification card, or
2 permit;

3 27. Has violated Section 6-16 of the Liquor Control Act
4 of 1934;

5 28. Has been convicted for a first time of the illegal
6 possession, while operating or in actual physical control,
7 as a driver, of a motor vehicle, of any controlled
8 substance prohibited under the Illinois Controlled
9 Substances Act, any cannabis prohibited under the Cannabis
10 Control Act, or any methamphetamine prohibited under the
11 Methamphetamine Control and Community Protection Act, in
12 which case the person's driving privileges shall be
13 suspended for one year. Any defendant found guilty of this
14 offense while operating a motor vehicle, shall have an
15 entry made in the court record by the presiding judge that
16 this offense did occur while the defendant was operating a
17 motor vehicle and order the clerk of the court to report
18 the violation to the Secretary of State;

19 29. Has been convicted of the following offenses that
20 were committed while the person was operating or in actual
21 physical control, as a driver, of a motor vehicle: criminal
22 sexual assault, predatory criminal sexual assault of a
23 child, aggravated criminal sexual assault, criminal sexual
24 abuse, aggravated criminal sexual abuse, juvenile pimping,
25 soliciting for a juvenile prostitute, promoting juvenile
26 prostitution as described in subdivision (a) (1), (a) (2),

1 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
2 or the Criminal Code of 2012, and the manufacture, sale or
3 delivery of controlled substances or instruments used for
4 illegal drug use or abuse in which case the driver's
5 driving privileges shall be suspended for one year;

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

10 31. Has refused to submit to a test as required by
11 Section 11-501.6 of this Code or Section 5-16c of the Boat
12 Registration and Safety Act or has submitted to a test
13 resulting in an alcohol concentration of 0.08 or more or
14 any amount of a drug, substance, or compound resulting from
15 the unlawful use or consumption of cannabis as listed in
16 the Cannabis Control Act, a controlled substance as listed
17 in the Illinois Controlled Substances Act, an intoxicating
18 compound as listed in the Use of Intoxicating Compounds
19 Act, or methamphetamine as listed in the Methamphetamine
20 Control and Community Protection Act, in which case the
21 penalty shall be as prescribed in Section 6-208.1;

22 32. Has been convicted of Section 24-1.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 relating
24 to the aggravated discharge of a firearm if the offender
25 was located in a motor vehicle at the time the firearm was
26 discharged, in which case the suspension shall be for 3

1 years;

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

6 34. Has committed a violation of Section 11-1301.5 of
7 this Code or a similar provision of a local ordinance;

8 35. Has committed a violation of Section 11-1301.6 of
9 this Code or a similar provision of a local ordinance;

10 36. Is under the age of 21 years at the time of arrest
11 and has been convicted of not less than 2 offenses against
12 traffic regulations governing the movement of vehicles
13 committed within any 24-month ~~24-month~~ period. No
14 revocation or suspension shall be entered more than 6
15 months after the date of last conviction;

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

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

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

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

26 41. Has committed a second or subsequent violation of

1 Section 11-605.1 of this Code, a similar provision of a
2 local ordinance, or a similar violation in any other state
3 within 2 years of the date of the previous violation, in
4 which case the suspension shall be for 90 days;

5 42. Has committed a violation of subsection (a-1) of
6 Section 11-1301.3 of this Code or a similar provision of a
7 local ordinance;

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

13 44. Is under the age of 21 years at the time of arrest
14 and has been convicted of an offense against traffic
15 regulations governing the movement of vehicles after
16 having previously had his or her driving privileges
17 suspended or revoked pursuant to subparagraph 36 of this
18 Section;

19 45. Has, in connection with or during the course of a
20 formal hearing conducted under Section 2-118 of this Code:
21 (i) committed perjury; (ii) submitted fraudulent or
22 falsified documents; (iii) submitted documents that have
23 been materially altered; or (iv) submitted, as his or her
24 own, documents that were in fact prepared or composed for
25 another person;

26 46. Has committed a violation of subsection (j) of

1 Section 3-413 of this Code;

2 47. Has committed a violation of Section 11-502.1 of
3 this Code; or

4 48. Has submitted a falsified or altered medical
5 examiner's certificate to the Secretary of State or
6 provided false information to obtain a medical examiner's
7 certificate.

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

15 (b) If any conviction forming the basis of a suspension or
16 revocation authorized under this Section is appealed, the
17 Secretary of State may rescind or withhold the entry of the
18 order of suspension or revocation, as the case may be, provided
19 that a certified copy of a stay order of a court is filed with
20 the Secretary of State. If the conviction is affirmed on
21 appeal, the date of the conviction shall relate back to the
22 time the original judgment of conviction was entered and the
23 6-month ~~6-month~~ limitation prescribed shall not apply.

24 (c) 1. Upon suspending or revoking the driver's license or
25 permit of any person as authorized in this Section, the
26 Secretary of State shall immediately notify the person in

1 writing of the revocation or suspension. The notice to be
2 deposited in the United States mail, postage prepaid, to the
3 last known address of the person.

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

1 affidavit is received subsequent to the effective date of this
2 suspension, a permit may be issued for the remainder of the
3 suspension period.

4 The provisions of this subparagraph shall not apply to any
5 driver required to possess a CDL for the purpose of operating a
6 commercial motor vehicle.

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

11 3. At the conclusion of a hearing under Section 2-118 of
12 this Code, the Secretary of State shall either rescind or
13 continue an order of revocation or shall substitute an order of
14 suspension; or, good cause appearing therefor, rescind,
15 continue, change, or extend the order of suspension. If the
16 Secretary of State does not rescind the order, the Secretary
17 may upon application, to relieve undue hardship (as defined by
18 the rules of the Secretary of State), issue a restricted
19 driving permit granting the privilege of driving a motor
20 vehicle between the petitioner's residence and petitioner's
21 place of employment or within the scope of the petitioner's
22 employment-related ~~employment-related~~ duties, or to allow the
23 petitioner to transport himself or herself, or a family member
24 of the petitioner's household to a medical facility, to receive
25 necessary medical care, to allow the petitioner to transport
26 himself or herself to and from alcohol or drug remedial or

1 rehabilitative activity recommended by a licensed service
2 provider, or to allow the petitioner to transport himself or
3 herself or a family member of the petitioner's household to
4 classes, as a student, at an accredited educational
5 institution, or to allow the petitioner to transport children,
6 elderly persons, or persons with disabilities who do not hold
7 driving privileges and are living in the petitioner's household
8 to and from daycare. The petitioner must demonstrate that no
9 alternative means of transportation is reasonably available
10 and that the petitioner will not endanger the public safety or
11 welfare.

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

24 (B) If a person's license or permit is revoked or
25 suspended 2 or more times due to any combination of:

26 (i) a single conviction of violating Section

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

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

9 (iii) a suspension under Section 6-203.1;

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

14 (B-5) If a person's license or permit is revoked or
15 suspended due to a conviction for a violation of
16 subparagraph (C) or (F) of paragraph (1) of subsection (d)
17 of Section 11-501 of this Code, or a similar provision of a
18 local ordinance or similar out-of-state offense, that
19 person, if issued a restricted driving permit, may not
20 operate a vehicle unless it has been equipped with an
21 ignition interlock device as defined in Section 1-129.1.

22 (C) The person issued a permit conditioned upon the use
23 of an ignition interlock device must pay to the Secretary
24 of State DUI Administration Fund an amount not to exceed
25 \$30 per month. The Secretary shall establish by rule the
26 amount and the procedures, terms, and conditions relating

1 to these fees.

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

18 (E) In each case the Secretary may issue a restricted
19 driving permit for a period deemed appropriate, except that
20 all permits shall expire no later than 2 years from the
21 date of issuance. A restricted driving permit issued under
22 this Section shall be subject to cancellation, revocation,
23 and suspension by the Secretary of State in like manner and
24 for like cause as a driver's license issued under this Code
25 may be cancelled, revoked, or suspended; except that a
26 conviction upon one or more offenses against laws or

1 ordinances regulating the movement of traffic shall be
2 deemed sufficient cause for the revocation, suspension, or
3 cancellation of a restricted driving permit. The Secretary
4 of State may, as a condition to the issuance of a
5 restricted driving permit, require the applicant to
6 participate in a designated driver remedial or
7 rehabilitative program. The Secretary of State is
8 authorized to cancel a restricted driving permit if the
9 permit holder does not successfully complete the program.

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

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

1 Community Protection Act; and

2 (ii) the successful completion of any
3 rehabilitative treatment and involvement in any
4 ongoing rehabilitative activity that may be
5 recommended by a properly licensed service provider
6 according to an assessment of the person's alcohol or
7 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 subparagraph (F), the
10 Secretary may consider any relevant evidence, including,
11 but not limited to, testimony, affidavits, records, and the
12 results of regular alcohol or drug tests. Persons subject
13 to the provisions of paragraph 4 of subsection (b) of
14 Section 6-208 of this Code and who have been convicted of
15 more than one violation of paragraph (3), paragraph (4), or
16 paragraph (5) of subsection (a) of Section 11-501 of this
17 Code shall not be eligible to apply for a restricted
18 driving permit under this subparagraph (F).

19 A restricted driving permit issued under this
20 subparagraph (F) shall provide that the holder may only
21 operate motor vehicles equipped with an ignition interlock
22 device as required under paragraph (2) of subsection (c) of
23 Section 6-205 of this Code and subparagraph (A) of
24 paragraph 3 of subsection (c) of this Section. The
25 Secretary may revoke a restricted driving permit or amend
26 the conditions of a restricted driving permit issued under

1 this subparagraph (F) if the holder operates a vehicle that
2 is not equipped with an ignition interlock device, or for
3 any other reason authorized under this Code.

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

11 (c-3) In the case of a suspension under paragraph 43 of
12 subsection (a), reports received by the Secretary of State
13 under this Section shall, except during the actual time the
14 suspension is in effect, be privileged information and for use
15 only by the courts, police officers, prosecuting authorities,
16 the driver licensing administrator of any other state, the
17 Secretary of State, or the parent or legal guardian of a driver
18 under the age of 18. However, beginning January 1, 2008, if the
19 person is a CDL holder, the suspension shall also be made
20 available to the driver licensing administrator of any other
21 state, the U.S. Department of Transportation, and the affected
22 driver or motor carrier or prospective motor carrier upon
23 request.

24 (c-4) In the case of a suspension under paragraph 43 of
25 subsection (a), the Secretary of State shall notify the person
26 by mail that his or her driving privileges and driver's license

1 will be suspended one month after the date of the mailing of
2 the notice.

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

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

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

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

21 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;
22 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;
23 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

24 (Text of Section after amendment by P.A. 101-90, 101-470,
25 and 101-623)

1 Sec. 6-206. Discretionary authority to suspend or revoke
2 license or permit; right to a hearing.

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

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

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

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

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

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

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

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

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

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

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

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

26 11. Has operated a motor vehicle upon a highway of this

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

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

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

16 14. Has committed a violation of Section 6-301,
17 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
18 14B of the Illinois Identification Card Act;

19 15. Has been convicted of violating Section 21-2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 relating
21 to criminal trespass to vehicles if the person exercised
22 actual physical control over the vehicle during the
23 commission of the offense, in which case the suspension
24 shall be for one year;

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

1 17. Has refused to submit to a test, or tests, as
2 required under Section 11-501.1 of this Code and the person
3 has not sought a hearing as provided for in Section
4 11-501.1;

5 18. (Blank);

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

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

11 21. Has been convicted of violating Section 11-402 of
12 this Code relating to leaving the scene of a crash ~~an~~
13 ~~accident~~ resulting in damage to a vehicle in excess of
14 \$1,000, in which case the suspension shall be for one year;

15 22. Has used a motor vehicle in violating paragraph
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
17 the Criminal Code of 1961 or the Criminal Code of 2012
18 relating to unlawful use of weapons, in which case the
19 suspension shall be for one year;

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

24 24. Has been convicted by a court-martial or punished
25 by non-judicial punishment by military authorities of the
26 United States at a military installation in Illinois or in

1 another state of or for a traffic-related ~~traffic-related~~
2 offense that is the same as or similar to an offense
3 specified under Section 6-205 or 6-206 of this Code;

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

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

11 27. (Blank);

12 28. Has been convicted for a first time of the illegal
13 possession, while operating or in actual physical control,
14 as a driver, of a motor vehicle, of any controlled
15 substance prohibited under the Illinois Controlled
16 Substances Act, any cannabis prohibited under the Cannabis
17 Control Act, or any methamphetamine prohibited under the
18 Methamphetamine Control and Community Protection Act, in
19 which case the person's driving privileges shall be
20 suspended for one year. Any defendant found guilty of this
21 offense while operating a motor vehicle, shall have an
22 entry made in the court record by the presiding judge that
23 this offense did occur while the defendant was operating a
24 motor vehicle and order the clerk of the court to report
25 the violation to the Secretary of State;

26 29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual
2 physical control, as a driver, of a motor vehicle: criminal
3 sexual assault, predatory criminal sexual assault of a
4 child, aggravated criminal sexual assault, criminal sexual
5 abuse, aggravated criminal sexual abuse, juvenile pimping,
6 soliciting for a juvenile prostitute, promoting juvenile
7 prostitution as described in subdivision (a)(1), (a)(2),
8 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
9 or the Criminal Code of 2012, and the manufacture, sale or
10 delivery of controlled substances or instruments used for
11 illegal drug use or abuse in which case the driver's
12 driving privileges shall be suspended for one year;

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

17 31. Has refused to submit to a test as required by
18 Section 11-501.6 of this Code or Section 5-16c of the Boat
19 Registration and Safety Act or has submitted to a test
20 resulting in an alcohol concentration of 0.08 or more or
21 any amount of a drug, substance, or compound resulting from
22 the unlawful use or consumption of cannabis as listed in
23 the Cannabis Control Act, a controlled substance as listed
24 in the Illinois Controlled Substances Act, an intoxicating
25 compound as listed in the Use of Intoxicating Compounds
26 Act, or methamphetamine as listed in the Methamphetamine

1 Control and Community Protection Act, in which case the
2 penalty shall be as prescribed in Section 6-208.1;

3 32. Has been convicted of Section 24-1.2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 relating
5 to the aggravated discharge of a firearm if the offender
6 was located in a motor vehicle at the time the firearm was
7 discharged, in which case the suspension shall be for 3
8 years;

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

13 34. Has committed a violation of Section 11-1301.5 of
14 this Code or a similar provision of a local ordinance;

15 35. Has committed a violation of Section 11-1301.6 of
16 this Code or a similar provision of a local ordinance;

17 36. Is under the age of 21 years at the time of arrest
18 and has been convicted of not less than 2 offenses against
19 traffic regulations governing the movement of vehicles
20 committed within any 24-month ~~24-month~~ period. No
21 revocation or suspension shall be entered more than 6
22 months after the date of last conviction;

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

26 38. Has been convicted of a violation of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance and the person was an occupant of a motor
3 vehicle at the time of the violation;

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

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

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

13 42. Has committed a violation of subsection (a-1) of
14 Section 11-1301.3 of this Code or a similar provision of a
15 local ordinance;

16 43. Has received a disposition of court supervision for
17 a violation of subsection (a), (d), or (e) of Section 6-20
18 of the Liquor Control Act of 1934 or a similar provision of
19 a local ordinance and the person was an occupant of a motor
20 vehicle at the time of the violation, in which case the
21 suspension shall be for a period of 3 months;

22 44. Is under the age of 21 years at the time of arrest
23 and has been convicted of an offense against traffic
24 regulations governing the movement of vehicles after
25 having previously had his or her driving privileges
26 suspended or revoked pursuant to subparagraph 36 of this

1 Section;

2 45. Has, in connection with or during the course of a
3 formal hearing conducted under Section 2-118 of this Code:

4 (i) committed perjury; (ii) submitted fraudulent or
5 falsified documents; (iii) submitted documents that have
6 been materially altered; or (iv) submitted, as his or her
7 own, documents that were in fact prepared or composed for
8 another person;

9 46. Has committed a violation of subsection (j) of
10 Section 3-413 of this Code;

11 47. Has committed a violation of subsection (a) of
12 Section 11-502.1 of this Code;

13 48. Has submitted a falsified or altered medical
14 examiner's certificate to the Secretary of State or
15 provided false information to obtain a medical examiner's
16 certificate; ~~or~~

17 49. Has committed a violation of subsection (b-5) of
18 Section 12-610.2 that resulted in great bodily harm,
19 permanent disability, or disfigurement, in which case the
20 driving privileges shall be suspended for 12 months; or-

21 50. ~~49.~~ Has been convicted of a violation of Section
22 11-1002 or 11-1002.5 that resulted in a Type A injury to
23 another, in which case the person's driving privileges
24 shall be suspended for 12 months.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
26 and 27 of this subsection, license means any driver's license,

1 any traffic ticket issued when the person's driver's license is
2 deposited in lieu of bail, a suspension notice issued by the
3 Secretary of State, a duplicate or corrected driver's license,
4 a probationary driver's license, or a temporary driver's
5 license.

6 (b) If any conviction forming the basis of a suspension or
7 revocation authorized under this Section is appealed, the
8 Secretary of State may rescind or withhold the entry of the
9 order of suspension or revocation, as the case may be, provided
10 that a certified copy of a stay order of a court is filed with
11 the Secretary of State. If the conviction is affirmed on
12 appeal, the date of the conviction shall relate back to the
13 time the original judgment of conviction was entered and the
14 6-month ~~6-month~~ limitation prescribed shall not apply.

15 (c) 1. Upon suspending or revoking the driver's license or
16 permit of any person as authorized in this Section, the
17 Secretary of State shall immediately notify the person in
18 writing of the revocation or suspension. The notice to be
19 deposited in the United States mail, postage prepaid, to the
20 last known address of the person.

21 2. If the Secretary of State suspends the driver's license
22 of a person under subsection 2 of paragraph (a) of this
23 Section, a person's privilege to operate a vehicle as an
24 occupation shall not be suspended, provided an affidavit is
25 properly completed, the appropriate fee received, and a permit
26 issued prior to the effective date of the suspension, unless 5

1 offenses were committed, at least 2 of which occurred while
2 operating a commercial vehicle in connection with the driver's
3 regular occupation. All other driving privileges shall be
4 suspended by the Secretary of State. Any driver prior to
5 operating a vehicle for occupational purposes only must submit
6 the affidavit on forms to be provided by the Secretary of State
7 setting forth the facts of the person's occupation. The
8 affidavit shall also state the number of offenses committed
9 while operating a vehicle in connection with the driver's
10 regular occupation. The affidavit shall be accompanied by the
11 driver's license. Upon receipt of a properly completed
12 affidavit, the Secretary of State shall issue the driver a
13 permit to operate a vehicle in connection with the driver's
14 regular occupation only. Unless the permit is issued by the
15 Secretary of State prior to the date of suspension, the
16 privilege to drive any motor vehicle shall be suspended as set
17 forth in the notice that was mailed under this Section. If an
18 affidavit is received subsequent to the effective date of this
19 suspension, a permit may be issued for the remainder of the
20 suspension period.

21 The provisions of this subparagraph shall not apply to any
22 driver required to possess a CDL for the purpose of operating a
23 commercial motor vehicle.

24 Any person who falsely states any fact in the affidavit
25 required herein shall be guilty of perjury under Section 6-302
26 and upon conviction thereof shall have all driving privileges

1 revoked without further rights.

2 3. At the conclusion of a hearing under Section 2-118 of
3 this Code, the Secretary of State shall either rescind or
4 continue an order of revocation or shall substitute an order of
5 suspension; or, good cause appearing therefor, rescind,
6 continue, change, or extend the order of suspension. If the
7 Secretary of State does not rescind the order, the Secretary
8 may upon application, to relieve undue hardship (as defined by
9 the rules of the Secretary of State), issue a restricted
10 driving permit granting the privilege of driving a motor
11 vehicle between the petitioner's residence and petitioner's
12 place of employment or within the scope of the petitioner's
13 employment-related ~~employment-related~~ duties, or to allow the
14 petitioner to transport himself or herself, or a family member
15 of the petitioner's household to a medical facility, to receive
16 necessary medical care, to allow the petitioner to transport
17 himself or herself to and from alcohol or drug remedial or
18 rehabilitative activity recommended by a licensed service
19 provider, or to allow the petitioner to transport himself or
20 herself or a family member of the petitioner's household to
21 classes, as a student, at an accredited educational
22 institution, or to allow the petitioner to transport children,
23 elderly persons, or persons with disabilities who do not hold
24 driving privileges and are living in the petitioner's household
25 to and from daycare. The petitioner must demonstrate that no
26 alternative means of transportation is reasonably available

1 and that the petitioner will not endanger the public safety or
2 welfare.

3 (A) If a person's license or permit is revoked or
4 suspended due to 2 or more convictions of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or Section 9-3
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 where the use of alcohol or other drugs is recited as an
9 element of the offense, or a similar out-of-state offense,
10 or a combination of these offenses, arising out of separate
11 occurrences, that person, if issued a restricted driving
12 permit, may not operate a vehicle unless it has been
13 equipped with an ignition interlock device as defined in
14 Section 1-129.1.

15 (B) If a person's license or permit is revoked or
16 suspended 2 or more times due to any combination of:

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

24 (ii) a statutory summary suspension or revocation
25 under Section 11-501.1; or

26 (iii) a suspension under Section 6-203.1;

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

5 (B-5) If a person's license or permit is revoked or
6 suspended due to a conviction for a violation of
7 subparagraph (C) or (F) of paragraph (1) of subsection (d)
8 of Section 11-501 of this Code, or a similar provision of a
9 local ordinance or similar out-of-state offense, that
10 person, if issued a restricted driving permit, may not
11 operate a vehicle unless it has been equipped with an
12 ignition interlock device as defined in Section 1-129.1.

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

19 (D) If the restricted driving permit is issued for
20 employment purposes, then the prohibition against
21 operating a motor vehicle that is not equipped with an
22 ignition interlock device does not apply to the operation
23 of an occupational vehicle owned or leased by that person's
24 employer when used solely for employment purposes. For any
25 person who, within a 5-year period, is convicted of a
26 second or subsequent offense under Section 11-501 of this

1 Code, or a similar provision of a local ordinance or
2 similar out-of-state offense, this employment exemption
3 does not apply until either a one-year period has elapsed
4 during which that person had his or her driving privileges
5 revoked or a one-year period has elapsed during which that
6 person had a restricted driving permit which required the
7 use of an ignition interlock device on every motor vehicle
8 owned or operated by that person.

9 (E) In each case the Secretary may issue a restricted
10 driving permit for a period deemed appropriate, except that
11 all permits shall expire no later than 2 years from the
12 date of issuance. A restricted driving permit issued under
13 this Section shall be subject to cancellation, revocation,
14 and suspension by the Secretary of State in like manner and
15 for like cause as a driver's license issued under this Code
16 may be cancelled, revoked, or suspended; except that a
17 conviction upon one or more offenses against laws or
18 ordinances regulating the movement of traffic shall be
19 deemed sufficient cause for the revocation, suspension, or
20 cancellation of a restricted driving permit. The Secretary
21 of State may, as a condition to the issuance of a
22 restricted driving permit, require the applicant to
23 participate in a designated driver remedial or
24 rehabilitative program. The Secretary of State is
25 authorized to cancel a restricted driving permit if the
26 permit holder does not successfully complete the program.

1 (F) A person subject to the provisions of paragraph 4
2 of subsection (b) of Section 6-208 of this Code may make
3 application for a restricted driving permit at a hearing
4 conducted under Section 2-118 of this Code after the
5 expiration of 5 years from the effective date of the most
6 recent revocation or after 5 years from the date of release
7 from a period of imprisonment resulting from a conviction
8 of the most recent offense, whichever is later, provided
9 the person, in addition to all other requirements of the
10 Secretary, shows by clear and convincing evidence:

11 (i) a minimum of 3 years of uninterrupted
12 abstinence from alcohol and the unlawful use or
13 consumption of cannabis under the Cannabis Control
14 Act, a controlled substance under the Illinois
15 Controlled Substances Act, an intoxicating compound
16 under the Use of Intoxicating Compounds Act, or
17 methamphetamine under the Methamphetamine Control and
18 Community Protection Act; and

19 (ii) the successful completion of any
20 rehabilitative treatment and involvement in any
21 ongoing rehabilitative activity that may be
22 recommended by a properly licensed service provider
23 according to an assessment of the person's alcohol or
24 drug use under Section 11-501.01 of this Code.

25 In determining whether an applicant is eligible for a
26 restricted driving permit under this subparagraph (F), the

1 Secretary may consider any relevant evidence, including,
2 but not limited to, testimony, affidavits, records, and the
3 results of regular alcohol or drug tests. Persons subject
4 to the provisions of paragraph 4 of subsection (b) of
5 Section 6-208 of this Code and who have been convicted of
6 more than one violation of paragraph (3), paragraph (4), or
7 paragraph (5) of subsection (a) of Section 11-501 of this
8 Code shall not be eligible to apply for a restricted
9 driving permit under this subparagraph (F).

10 A restricted driving permit issued under this
11 subparagraph (F) shall provide that the holder may only
12 operate motor vehicles equipped with an ignition interlock
13 device as required under paragraph (2) of subsection (c) of
14 Section 6-205 of this Code and subparagraph (A) of
15 paragraph 3 of subsection (c) of this Section. The
16 Secretary may revoke a restricted driving permit or amend
17 the conditions of a restricted driving permit issued under
18 this subparagraph (F) if the holder operates a vehicle that
19 is not equipped with an ignition interlock device, or for
20 any other reason authorized under this Code.

21 A restricted driving permit issued under this
22 subparagraph (F) shall be revoked, and the holder barred
23 from applying for or being issued a restricted driving
24 permit in the future, if the holder is convicted of a
25 violation of Section 11-501 of this Code, a similar
26 provision of a local ordinance, or a similar offense in

1 another state.

2 (c-3) In the case of a suspension under paragraph 43 of
3 subsection (a), reports received by the Secretary of State
4 under this Section shall, except during the actual time the
5 suspension is in effect, be privileged information and for use
6 only by the courts, police officers, prosecuting authorities,
7 the driver licensing administrator of any other state, the
8 Secretary of State, or the parent or legal guardian of a driver
9 under the age of 18. However, beginning January 1, 2008, if the
10 person is a CDL holder, the suspension shall also be made
11 available to the driver licensing administrator of any other
12 state, the U.S. Department of Transportation, and the affected
13 driver or motor carrier or prospective motor carrier upon
14 request.

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

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

1 (d) This Section is subject to the provisions of the Driver
2 ~~Drivers~~ License Compact.

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

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

12 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;
13 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-21-20.)

14 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

15 Sec. 6-208.1. Period of statutory summary alcohol, other
16 drug, or intoxicating compound related suspension or
17 revocation.

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

23 1. twelve months from the effective date of the
24 statutory summary suspension for a refusal or failure to
25 complete a test or tests to determine the alcohol, other

1 drug, or intoxicating compound concentration under Section
2 11-501.1, if the person was not involved in a motor vehicle
3 crash ~~accident~~ that caused personal injury or death to
4 another; or

5 2. six months from the effective date of the statutory
6 summary suspension imposed following the person's
7 submission to a chemical test which disclosed an alcohol
8 concentration of 0.08 or more, the presence of cannabis as
9 listed in the Cannabis Control Act with a
10 tetrahydrocannabinol concentration as defined in paragraph
11 6 of subsection (a) of Section 11-501.2 of this Code, or
12 any amount of a drug, substance, or intoxicating compound
13 in such person's breath, blood, other bodily substance, or
14 urine resulting from the unlawful use or consumption of a
15 controlled substance listed in the Illinois Controlled
16 Substances Act, an intoxicating compound listed in the Use
17 of Intoxicating Compounds Act, or methamphetamine as
18 listed in the Methamphetamine Control and Community
19 Protection Act, pursuant to Section 11-501.1; or

20 3. three years from the effective date of the statutory
21 summary suspension for any person other than a first
22 offender who refuses or fails to complete a test or tests
23 to determine the alcohol, drug, or intoxicating compound
24 concentration pursuant to Section 11-501.1; or

25 4. one year from the effective date of the summary
26 suspension imposed for any person other than a first

1 offender following submission to a chemical test which
2 disclosed an alcohol concentration of 0.08 or more pursuant
3 to Section 11-501.1, the presence of cannabis as listed in
4 the Cannabis Control Act with a tetrahydrocannabinol
5 concentration as defined in paragraph 6 of subsection (a)
6 of Section 11-501.2 of this Code, or any amount of a drug,
7 substance or compound in such person's blood, other bodily
8 substance, or urine resulting from the unlawful use or
9 consumption of a controlled substance listed in the
10 Illinois Controlled Substances Act, an intoxicating
11 compound listed in the Use of Intoxicating Compounds Act,
12 or methamphetamine as listed in the Methamphetamine
13 Control and Community Protection Act; or

14 5. (Blank).

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

24 (c) Driving privileges may not be restored until all
25 applicable reinstatement fees, as provided by this Code, have
26 been paid to the Secretary of State and the appropriate entry

1 made to the driver's record.

2 (d) Where a driving privilege has been summarily suspended
3 or revoked under Section 11-501.1 and the person is
4 subsequently convicted of violating Section 11-501, or a
5 similar provision of a local ordinance, for the same incident,
6 any period served on statutory summary suspension or revocation
7 shall be credited toward the minimum period of revocation of
8 driving privileges imposed pursuant to Section 6-205.

9 (e) A first offender who refused chemical testing and whose
10 driving privileges were summarily revoked pursuant to Section
11 11-501.1 shall not be eligible for a monitoring device driving
12 permit, but may make application for reinstatement or for a
13 restricted driving permit after a period of one year has
14 elapsed from the effective date of the revocation.

15 (f) (Blank).

16 (g) (Blank).

17 (h) (Blank).

18 (Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14;
19 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16; 99-697, eff.
20 7-29-16.)

21 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

22 Sec. 6-303. Driving while driver's license, permit, or
23 privilege to operate a motor vehicle is suspended or revoked.

24 (a) Except as otherwise provided in subsection (a-5) or
25 (a-7), any person who drives or is in actual physical control

1 of a motor vehicle on any highway of this State at a time when
2 such person's driver's license, permit, or privilege to do so
3 or the privilege to obtain a driver's license or permit is
4 revoked or suspended as provided by this Code or the law of
5 another state, except as may be specifically allowed by a
6 judicial driving permit issued prior to January 1, 2009,
7 monitoring device driving permit, family financial
8 responsibility driving permit, probationary license to drive,
9 or a restricted driving permit issued pursuant to this Code or
10 under the law of another state, shall be guilty of a Class A
11 misdemeanor.

12 (a-3) A second or subsequent violation of subsection (a) of
13 this Section is a Class 4 felony if committed by a person whose
14 driving or operation of a motor vehicle is the proximate cause
15 of a motor vehicle crash ~~accident~~ that causes personal injury
16 or death to another. For purposes of this subsection, a
17 personal injury includes any Type A injury as indicated on the
18 traffic crash ~~accident~~ report completed by a law enforcement
19 officer that requires immediate professional attention in
20 either a doctor's office or a medical facility. A Type A injury
21 includes severe bleeding wounds, distorted extremities, and
22 injuries that require the injured party to be carried from the
23 scene.

24 (a-5) Any person who violates this Section as provided in
25 subsection (a) while his or her driver's license, permit, or
26 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961 or the Criminal Code of 2012,
2 relating to the offense of reckless homicide, or a violation of
3 subparagraph (F) of paragraph (1) of subsection (d) of Section
4 11-501 of this Code, relating to the offense of aggravated
5 driving under the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination thereof
7 when the violation was a proximate cause of a death, or a
8 similar provision of a law of another state, is guilty of a
9 Class 4 felony. The person shall be required to undergo a
10 professional evaluation, as provided in Section 11-501 of this
11 Code, to determine if an alcohol, drug, or intoxicating
12 compound problem exists and the extent of the problem, and to
13 undergo the imposition of treatment as appropriate.

14 (a-7) Any person who violates this Section as provided in
15 subsection (a) while his or her driver's license or privilege
16 to drive is suspended under Section 6-306.5 or 7-702 of this
17 Code shall receive a Uniform Traffic Citation from the law
18 enforcement officer. A person who receives 3 or more Uniform
19 Traffic Citations under this subsection (a-7) without paying
20 any fees associated with the citations shall be guilty of a
21 Class A misdemeanor.

22 (a-10) A person's driver's license, permit, or privilege to
23 obtain a driver's license or permit may be subject to multiple
24 revocations, multiple suspensions, or any combination of both
25 simultaneously. No revocation or suspension shall serve to
26 negate, invalidate, cancel, postpone, or in any way lessen the

1 effect of any other revocation or suspension entered prior or
2 subsequent to any other revocation or suspension.

3 (b) (Blank).

4 (b-1) Except for a person under subsection (a-7) of this
5 Section, upon receiving a report of the conviction of any
6 violation indicating a person was operating a motor vehicle
7 during the time when the person's driver's license, permit, or
8 privilege was suspended by the Secretary of State or the
9 driver's licensing administrator of another state, except as
10 specifically allowed by a probationary license, judicial
11 driving permit, restricted driving permit, or monitoring
12 device driving permit, the Secretary shall extend the
13 suspension for the same period of time as the originally
14 imposed suspension unless the suspension has already expired,
15 in which case the Secretary shall be authorized to suspend the
16 person's driving privileges for the same period of time as the
17 originally imposed suspension.

18 (b-2) Except as provided in subsection (b-6) or (a-7), upon
19 receiving a report of the conviction of any violation
20 indicating a person was operating a motor vehicle when the
21 person's driver's license, permit, or privilege was revoked by
22 the Secretary of State or the driver's license administrator of
23 any other state, except as specifically allowed by a restricted
24 driving permit issued pursuant to this Code or the law of
25 another state, the Secretary shall not issue a driver's license
26 for an additional period of one year from the date of such

1 conviction indicating such person was operating a vehicle
2 during such period of revocation.

3 (b-3) (Blank).

4 (b-4) When the Secretary of State receives a report of a
5 conviction of any violation indicating a person was operating a
6 motor vehicle that was not equipped with an ignition interlock
7 device during a time when the person was prohibited from
8 operating a motor vehicle not equipped with such a device, the
9 Secretary shall not issue a driver's license to that person for
10 an additional period of one year from the date of the
11 conviction.

12 (b-5) Any person convicted of violating this Section shall
13 serve a minimum term of imprisonment of 30 consecutive days or
14 300 hours of community service when the person's driving
15 privilege was revoked or suspended as a result of a violation
16 of Section 9-3 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, relating to the offense of reckless homicide, or
18 a violation of subparagraph (F) of paragraph (1) of subsection
19 (d) of Section 11-501 of this Code, relating to the offense of
20 aggravated driving under the influence of alcohol, other drug
21 or drugs, or intoxicating compound or compounds, or any
22 combination thereof when the violation was a proximate cause of
23 a death, or a similar provision of a law of another state. The
24 court may give credit toward the fulfillment of community
25 service hours for participation in activities and treatment as
26 determined by court services.

1 (b-6) Upon receiving a report of a first conviction of
2 operating a motor vehicle while the person's driver's license,
3 permit, or privilege was revoked where the revocation was for a
4 violation of Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 relating to the offense of reckless
6 homicide, or a violation of subparagraph (F) of paragraph (1)
7 of subsection (d) of Section 11-501 of this Code, relating to
8 the offense of aggravated driving under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof when the violation was a
11 proximate cause of a death, or a similar out-of-state offense,
12 the Secretary shall not issue a driver's license for an
13 additional period of 3 years from the date of such conviction.

14 (c) Except as provided in subsections (c-3) and (c-4), any
15 person convicted of violating this Section shall serve a
16 minimum term of imprisonment of 10 consecutive days or 30 days
17 of community service when the person's driving privilege was
18 revoked or suspended as a result of:

19 (1) a violation of Section 11-501 of this Code or a
20 similar provision of a local ordinance relating to the
21 offense of operating or being in physical control of a
22 vehicle while under the influence of alcohol, any other
23 drug or any combination thereof; or

24 (2) a violation of paragraph (b) of Section 11-401 of
25 this Code or a similar provision of a local ordinance
26 relating to the offense of leaving the scene of a motor

1 vehicle crash ~~accident~~ involving personal injury or death;
2 or

3 (3) a statutory summary suspension or revocation under
4 Section 11-501.1 of this Code.

5 Such sentence of imprisonment or community service shall
6 not be subject to suspension in order to reduce such sentence.

7 (c-1) Except as provided in subsections (a-7), (c-5), and
8 (d), any person convicted of a second violation of this Section
9 shall be ordered by the court to serve a minimum of 100 hours
10 of community service. The court may give credit toward the
11 fulfillment of community service hours for participation in
12 activities and treatment as determined by court services.

13 (c-2) In addition to other penalties imposed under this
14 Section, the court may impose on any person convicted a fourth
15 time of violating this Section any of the following:

16 (1) Seizure of the license plates of the person's
17 vehicle.

18 (2) Immobilization of the person's vehicle for a period
19 of time to be determined by the court.

20 (c-3) Any person convicted of a violation of this Section
21 during a period of summary suspension imposed pursuant to
22 Section 11-501.1 when the person was eligible for a monitoring
23 device driving permit shall be guilty of a Class 4 felony and
24 shall serve a minimum term of imprisonment of 30 days.

25 (c-4) Any person who has been issued a monitoring device
26 driving permit or a restricted driving permit which requires

1 the person to operate only motor vehicles equipped with an
2 ignition interlock device and who is convicted of a violation
3 of this Section as a result of operating or being in actual
4 physical control of a motor vehicle not equipped with an
5 ignition interlock device at the time of the offense shall be
6 guilty of a Class 4 felony and shall serve a minimum term of
7 imprisonment of 30 days.

8 (c-5) Any person convicted of a second violation of this
9 Section is guilty of a Class 2 felony, is not eligible for
10 probation or conditional discharge, and shall serve a mandatory
11 term of imprisonment, if:

12 (1) the current violation occurred when the person's
13 driver's license was suspended or revoked for a violation
14 of Section 9-3 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, relating to the offense of reckless homicide,
16 or a violation of subparagraph (F) of paragraph (1) of
17 subsection (d) of Section 11-501 of this Code, relating to
18 the offense of aggravated driving under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds, or any combination thereof when the violation
21 was a proximate cause of a death, or a similar out-of-state
22 offense; and

23 (2) the prior conviction under this Section occurred
24 while the person's driver's license was suspended or
25 revoked for a violation of Section 9-3 of the Criminal Code
26 of 1961 or the Criminal Code of 2012 relating to the

1 offense of reckless homicide, or a violation of
2 subparagraph (F) of paragraph (1) of subsection (d) of
3 Section 11-501 of this Code, relating to the offense of
4 aggravated driving under the influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof when the violation was a proximate
7 cause of a death, or a similar out-of-state offense, or was
8 suspended or revoked for a violation of Section 11-401 or
9 11-501 of this Code, a similar out-of-state offense, a
10 similar provision of a local ordinance, or a statutory
11 summary suspension or revocation under Section 11-501.1 of
12 this Code.

13 (d) Any person convicted of a second violation of this
14 Section shall be guilty of a Class 4 felony and shall serve a
15 minimum term of imprisonment of 30 days or 300 hours of
16 community service, as determined by the court, if:

17 (1) the current violation occurred when the person's
18 driver's license was suspended or revoked for a violation
19 of Section 11-401 or 11-501 of this Code, a similar
20 out-of-state offense, a similar provision of a local
21 ordinance, or a statutory summary suspension or revocation
22 under Section 11-501.1 of this Code; and

23 (2) the prior conviction under this Section occurred
24 while the person's driver's license was suspended or
25 revoked for a violation of Section 11-401 or 11-501 of this
26 Code, a similar out-of-state offense, a similar provision

1 of a local ordinance, or a statutory summary suspension or
2 revocation under Section 11-501.1 of this Code, or for a
3 violation of Section 9-3 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, relating to the offense of
5 reckless homicide, or a violation of subparagraph (F) of
6 paragraph (1) of subsection (d) of Section 11-501 of this
7 Code, relating to the offense of aggravated driving under
8 the influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds, or any combination
10 thereof when the violation was a proximate cause of a
11 death, or a similar out-of-state offense.

12 The court may give credit toward the fulfillment of
13 community service hours for participation in activities and
14 treatment as determined by court services.

15 (d-1) Except as provided in subsections (a-7), (d-2),
16 (d-2.5), and (d-3), any person convicted of a third or
17 subsequent violation of this Section shall serve a minimum term
18 of imprisonment of 30 days or 300 hours of community service,
19 as determined by the court. The court may give credit toward
20 the fulfillment of community service hours for participation in
21 activities and treatment as determined by court services.

22 (d-2) Any person convicted of a third violation of this
23 Section is guilty of a Class 4 felony and must serve a minimum
24 term of imprisonment of 30 days, if:

25 (1) the current violation occurred when the person's
26 driver's license was suspended or revoked for a violation

1 of Section 11-401 or 11-501 of this Code, or a similar
2 out-of-state offense, or a similar provision of a local
3 ordinance, or a statutory summary suspension or revocation
4 under Section 11-501.1 of this Code; and

5 (2) the prior convictions under this Section occurred
6 while the person's driver's license was suspended or
7 revoked for a violation of Section 11-401 or 11-501 of this
8 Code, a similar out-of-state offense, a similar provision
9 of a local ordinance, or a statutory summary suspension or
10 revocation under Section 11-501.1 of this Code, or for a
11 violation of Section 9-3 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, relating to the offense of
13 reckless homicide, or a violation of subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of this
15 Code, relating to the offense of aggravated driving under
16 the influence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, or any combination
18 thereof when the violation was a proximate cause of a
19 death, or a similar out-of-state offense.

20 (d-2.5) Any person convicted of a third violation of this
21 Section is guilty of a Class 1 felony, is not eligible for
22 probation or conditional discharge, and must serve a mandatory
23 term of imprisonment, if:

24 (1) the current violation occurred while the person's
25 driver's license was suspended or revoked for a violation
26 of Section 9-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, relating to the offense of reckless homicide,
2 or a violation of subparagraph (F) of paragraph (1) of
3 subsection (d) of Section 11-501 of this Code, relating to
4 the offense of aggravated driving under the influence of
5 alcohol, other drug or drugs, or intoxicating compound or
6 compounds, or any combination thereof when the violation
7 was a proximate cause of a death, or a similar out-of-state
8 offense. The person's driving privileges shall be revoked
9 for the remainder of the person's life; and

10 (2) the prior convictions under this Section occurred
11 while the person's driver's license was suspended or
12 revoked for a violation of Section 9-3 of the Criminal Code
13 of 1961 or the Criminal Code of 2012, relating to the
14 offense of reckless homicide, or a violation of
15 subparagraph (F) of paragraph (1) of subsection (d) of
16 Section 11-501 of this Code, relating to the offense of
17 aggravated driving under the influence of alcohol, other
18 drug or drugs, or intoxicating compound or compounds, or
19 any combination thereof when the violation was a proximate
20 cause of a death, or a similar out-of-state offense, or was
21 suspended or revoked for a violation of Section 11-401 or
22 11-501 of this Code, a similar out-of-state offense, a
23 similar provision of a local ordinance, or a statutory
24 summary suspension or revocation under Section 11-501.1 of
25 this Code.

26 (d-3) Any person convicted of a fourth, fifth, sixth,

1 seventh, eighth, or ninth violation of this Section is guilty
2 of a Class 4 felony and must serve a minimum term of
3 imprisonment of 180 days, if:

4 (1) the current violation occurred when the person's
5 driver's license was suspended or revoked for a violation
6 of Section 11-401 or 11-501 of this Code, a similar
7 out-of-state offense, a similar provision of a local
8 ordinance, or a statutory summary suspension or revocation
9 under Section 11-501.1 of this Code; and

10 (2) the prior convictions under this Section occurred
11 while the person's driver's license was suspended or
12 revoked for a violation of Section 11-401 or 11-501 of this
13 Code, a similar out-of-state offense, a similar provision
14 of a local ordinance, or a statutory summary suspension or
15 revocation under Section 11-501.1 of this Code, or for a
16 violation of Section 9-3 of the Criminal Code of 1961 or
17 the Criminal Code of 2012, relating to the offense of
18 reckless homicide, or a violation of subparagraph (F) of
19 paragraph (1) of subsection (d) of Section 11-501 of this
20 Code, relating to the offense of aggravated driving under
21 the influence of alcohol, other drug or drugs, or
22 intoxicating compound or compounds, or any combination
23 thereof when the violation was a proximate cause of a
24 death, or a similar out-of-state offense.

25 (d-3.5) Any person convicted of a fourth or subsequent
26 violation of this Section is guilty of a Class 1 felony, is not

1 eligible for probation or conditional discharge, must serve a
2 mandatory term of imprisonment, and is eligible for an extended
3 term, if:

4 (1) the current violation occurred when the person's
5 driver's license was suspended or revoked for a violation
6 of Section 9-3 of the Criminal Code of 1961 or the Criminal
7 Code of 2012, relating to the offense of reckless homicide,
8 or a violation of subparagraph (F) of paragraph (1) of
9 subsection (d) of Section 11-501 of this Code, relating to
10 the offense of aggravated driving under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof when the violation
13 was a proximate cause of a death, or a similar out-of-state
14 offense; and

15 (2) the prior convictions under this Section occurred
16 while the person's driver's license was suspended or
17 revoked for a violation of Section 9-3 of the Criminal Code
18 of 1961 or the Criminal Code of 2012, relating to the
19 offense of reckless homicide, or a violation of
20 subparagraph (F) of paragraph (1) of subsection (d) of
21 Section 11-501 of this Code, relating to the offense of
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds, or
24 any combination thereof when the violation was a proximate
25 cause of a death, or a similar out-of-state offense, or was
26 suspended or revoked for a violation of Section 11-401 or

1 11-501 of this Code, a similar out-of-state offense, a
2 similar provision of a local ordinance, or a statutory
3 summary suspension or revocation under Section 11-501.1 of
4 this Code.

5 (d-4) Any person convicted of a tenth, eleventh, twelfth,
6 thirteenth, or fourteenth violation of this Section is guilty
7 of a Class 3 felony, and is not eligible for probation or
8 conditional discharge, if:

9 (1) the current violation occurred when the person's
10 driver's license was suspended or revoked for a violation
11 of Section 11-401 or 11-501 of this Code, or a similar
12 out-of-state offense, or a similar provision of a local
13 ordinance, or a statutory summary suspension or revocation
14 under Section 11-501.1 of this Code; and

15 (2) the prior convictions under this Section occurred
16 while the person's driver's license was suspended or
17 revoked for a violation of Section 11-401 or 11-501 of this
18 Code, a similar out-of-state offense, a similar provision
19 of a local ordinance, or a statutory suspension or
20 revocation under Section 11-501.1 of this Code, or for a
21 violation of Section 9-3 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, relating to the offense of
23 reckless homicide, or a violation of subparagraph (F) of
24 paragraph (1) of subsection (d) of Section 11-501 of this
25 Code, relating to the offense of aggravated driving under
26 the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof when the violation was a proximate cause of a
3 death, or a similar out-of-state offense.

4 (d-5) Any person convicted of a fifteenth or subsequent
5 violation of this Section is guilty of a Class 2 felony, and is
6 not eligible for probation or conditional discharge, if:

7 (1) the current violation occurred when the person's
8 driver's license was suspended or revoked for a violation
9 of Section 11-401 or 11-501 of this Code, or a similar
10 out-of-state offense, or a similar provision of a local
11 ordinance, or a statutory summary suspension or revocation
12 under Section 11-501.1 of this Code; and

13 (2) the prior convictions under this Section occurred
14 while the person's driver's license was suspended or
15 revoked for a violation of Section 11-401 or 11-501 of this
16 Code, a similar out-of-state offense, a similar provision
17 of a local ordinance, or a statutory summary suspension or
18 revocation under Section 11-501.1 of this Code, or for a
19 violation of Section 9-3 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, relating to the offense of
21 reckless homicide, or a violation of subparagraph (F) of
22 paragraph (1) of subsection (d) of Section 11-501 of this
23 Code, relating to the offense of aggravated driving under
24 the influence of alcohol, other drug or drugs, or
25 intoxicating compound or compounds, or any combination
26 thereof when the violation was a proximate cause of a

1 death, or a similar out-of-state offense.

2 (e) Any person in violation of this Section who is also in
3 violation of Section 7-601 of this Code relating to mandatory
4 insurance requirements, in addition to other penalties imposed
5 under this Section, shall have his or her motor vehicle
6 immediately impounded by the arresting law enforcement
7 officer. The motor vehicle may be released to any licensed
8 driver upon a showing of proof of insurance for the vehicle
9 that was impounded and the notarized written consent for the
10 release by the vehicle owner.

11 (f) 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 (g) The motor vehicle used in a violation of this Section
15 is subject to seizure and forfeiture as provided in Sections
16 36-1 and 36-2 of the Criminal Code of 2012 if the person's
17 driving privilege was revoked or suspended as a result of:

18 (1) a violation of Section 11-501 of this Code, a
19 similar provision of a local ordinance, or a similar
20 provision of a law of another state;

21 (2) a violation of paragraph (b) of Section 11-401 of
22 this Code, a similar provision of a local ordinance, or a
23 similar provision of a law of another state;

24 (3) a statutory summary suspension or revocation under
25 Section 11-501.1 of this Code or a similar provision of a
26 law of another state; or

1 (4) a violation of Section 9-3 of the Criminal Code of
2 1961 or the Criminal Code of 2012 relating to the offense
3 of reckless homicide, or a violation of subparagraph (F) of
4 paragraph (1) of subsection (d) of Section 11-501 of this
5 Code, relating to the offense of aggravated driving under
6 the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds, or any combination
8 thereof when the violation was a proximate cause of a
9 death, or a similar provision of a law of another state.

10 (Source: P.A. 100-149, eff. 1-1-18; 100-575, eff. 1-8-18;
11 100-1004, eff. 1-1-19; 101-81, eff. 7-12-19.)

12 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

13 Sec. 6-402. Qualifications of driver training schools. In
14 order to qualify for a license to operate a driver training
15 school, each applicant must:

16 (a) be of good moral character;

17 (b) be at least 21 years of age;

18 (c) maintain an established place of business open to
19 the public which meets the requirements of Section 6-403
20 through 6-407;

21 (d) maintain bodily injury and property damage
22 liability insurance on motor vehicles while used in driving
23 instruction, insuring the liability of the driving school,
24 the driving instructors and any person taking instruction
25 in at least the following amounts: \$50,000 for bodily

1 injury to or death of one person in any one crash ~~accident~~
2 and, subject to said limit for one person, \$100,000 for
3 bodily injury to or death of 2 or more persons in any one
4 crash ~~accident~~ and the amount of \$10,000 for damage to
5 property of others in any one crash ~~accident~~. Evidence of
6 such insurance coverage in the form of a certificate from
7 the insurance carrier shall be filed with the Secretary of
8 State, and such certificate shall stipulate that the
9 insurance shall not be cancelled except upon 10 days prior
10 written notice to the Secretary of State. The decal showing
11 evidence of insurance shall be affixed to the windshield of
12 the vehicle;

13 (e) provide a continuous surety company bond in the
14 principal sum of \$10,000 for a non-accredited school,
15 \$40,000 for a CDL or teenage accredited school, \$60,000 for
16 a CDL accredited and teenage accredited school, \$50,000 for
17 a CDL or teenage accredited school with 3 or more licensed
18 branches, \$70,000 for a CDL accredited and teenage
19 accredited school with 3 or more licensed branches for the
20 protection of the contractual rights of students in such
21 form as will meet with the approval of the Secretary of
22 State and written by a company authorized to do business in
23 this State. However, the aggregate liability of the surety
24 for all breaches of the condition of the bond in no event
25 shall exceed the principal sum of \$10,000 for a
26 non-accredited school, \$40,000 for a CDL or teenage

1 accredited school, \$60,000 for a CDL accredited and teenage
2 accredited school, \$50,000 for a CDL or teenage accredited
3 school with 3 or more licensed branches, \$70,000 for a CDL
4 accredited and teenage accredited school with 3 or more
5 licensed branches. The surety on any such bond may cancel
6 such bond on giving 30 days notice thereof in writing to
7 the Secretary of State and shall be relieved of liability
8 for any breach of any conditions of the bond which occurs
9 after the effective date of cancellation;

10 (f) have the equipment necessary to the giving of
11 proper instruction in the operation of motor vehicles;

12 (g) have and use a business telephone listing for all
13 business purposes;

14 (h) pay to the Secretary of State an application fee of
15 \$500 and \$50 for each branch application; and

16 (i) authorize an investigation to include a
17 fingerprint based background check to determine if the
18 applicant has ever been convicted of a crime and if so, the
19 disposition of those convictions. The authorization shall
20 indicate the scope of the inquiry and the agencies that may
21 be contacted. Upon this authorization, the Secretary of
22 State may request and receive information and assistance
23 from any federal, State, or local governmental agency as
24 part of the authorized investigation. Each applicant shall
25 have his or her fingerprints submitted to the Department of
26 State Police in the form and manner prescribed by the

1 Department of State Police. The fingerprints shall be
2 checked against the Department of State Police and Federal
3 Bureau of Investigation criminal history record
4 information databases. The Department of State Police
5 shall charge a fee for conducting the criminal history
6 records check, which shall be deposited in the State Police
7 Services Fund and shall not exceed the actual cost of the
8 records check. The applicant shall be required to pay all
9 related fingerprint fees including, but not limited to, the
10 amounts established by the Department of State Police and
11 the Federal Bureau of Investigation to process fingerprint
12 based criminal background investigations. The Department
13 of State Police shall provide information concerning any
14 criminal convictions and disposition of criminal
15 convictions brought against the applicant upon request of
16 the Secretary of State provided that the request is made in
17 the form and manner required by the Department of the State
18 Police. Unless otherwise prohibited by law, the
19 information derived from the investigation including the
20 source of the information and any conclusions or
21 recommendations derived from the information by the
22 Secretary of State shall be provided to the applicant, or
23 his designee, upon request to the Secretary of State, prior
24 to any final action by the Secretary of State on the
25 application. Any criminal convictions and disposition
26 information obtained by the Secretary of State shall be

1 confidential and may not be transmitted outside the Office
2 of the Secretary of State, except as required herein, and
3 may not be transmitted to anyone within the Office of the
4 Secretary of State except as needed for the purpose of
5 evaluating the applicant. At any administrative hearing
6 held under Section 2-118 of this Code relating to the
7 denial, cancellation, suspension, or revocation of a
8 driver training school license, the Secretary of State is
9 authorized to utilize at that hearing any criminal
10 histories, criminal convictions, and disposition
11 information obtained under this Section. The information
12 obtained from the investigation may be maintained by the
13 Secretary of State or any agency to which the information
14 was transmitted. Only information and standards, which
15 bear a reasonable and rational relation to the performance
16 of a driver training school owner, shall be used by the
17 Secretary of State. Any employee of the Secretary of State
18 who gives or causes to be given away any confidential
19 information concerning any criminal charges or disposition
20 of criminal charges of an applicant shall be guilty of a
21 Class A misdemeanor, unless release of the information is
22 authorized by this Section.

23 No license shall be issued under this Section to a person
24 who is a spouse, offspring, sibling, parent, grandparent,
25 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
26 of the person whose license to do business at that location has

1 been revoked or denied or to a person who was an officer or
2 employee of a business firm that has had its license revoked or
3 denied, unless the Secretary of State is satisfied the
4 application was submitted in good faith and not for the purpose
5 or effect of defeating the intent of this Code.

6 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;
7 96-1062, eff. 7-14-10; 97-333, eff. 8-12-11; 97-835, eff.
8 7-20-12.)

9 (625 ILCS 5/6-420) (from Ch. 95 1/2, par. 6-420)

10 Sec. 6-420. Denial, Cancellation, Suspension, Revocation
11 and Failure to Renew License. The Secretary may deny, cancel,
12 suspend or revoke, or refuse to renew any driver training
13 school license or any driver training instructor license:

14 (1) When the Secretary is satisfied that the licensee
15 fails to meet the requirements to receive or hold a license
16 under this Code;

17 (2) Whenever the licensee fails to keep the records
18 required by this Code;

19 (3) Whenever the licensee permits fraud or engages in
20 fraudulent practices either with reference to a student or
21 the Secretary, or induces or countenances fraud or
22 fraudulent practices on the part of any applicant for a
23 driver's license or permit;

24 (4) Whenever the licensee fails to comply with any
25 provision of this Code or any rule of the Secretary made

1 pursuant thereto;

2 (5) Whenever the licensee represents himself as an
3 agent or employee of the Secretary or uses advertising
4 designed to lead or which would reasonably have the effect
5 of leading persons to believe that such licensee is in fact
6 an employee or representative of the Secretary;

7 (6) Whenever the licensee or any employee or agent of
8 the licensee solicits driver training or instruction in an
9 office of any department of the Secretary of State having
10 to do with the administration of any law relating to motor
11 vehicles, or within 1,500 feet of any such office;

12 (7) Whenever the licensee is convicted of driving while
13 under the influence of alcohol, other drugs, or a
14 combination thereof; leaving the scene of a crash ~~an~~
15 ~~accident~~; reckless homicide or reckless driving; or

16 (8) Whenever a driver training school advertises that a
17 driver's license is guaranteed upon completion of the
18 course of instruction.

19 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10.)

20 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

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

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

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

5 (A) the number of grams of alcohol per 210 liters of
6 breath; or

7 (B) the number of grams of alcohol per 100 milliliters
8 of blood; or

9 (C) the number of grams of alcohol per 67 milliliters
10 of urine.

11 Alcohol tests administered within 2 hours of the driver
12 being "stopped or detained" shall be considered that driver's
13 "alcohol concentration" for the purposes of enforcing this
14 UCCLA.

15 (3) (Blank).

16 (4) (Blank).

17 (5) (Blank).

18 (5.3) CDLIS driver record. "CDLIS driver record" means the
19 electronic record of the individual CDL driver's status and
20 history stored by the State-of-Record as part of the Commercial
21 Driver's License Information System, or CDLIS, established
22 under 49 U.S.C. 31309.

23 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
24 record" or "CDLIS MVR" means a report generated from the CDLIS
25 driver record meeting the requirements for access to CDLIS
26 information and provided by states to users authorized in 49

1 C.F.R. 384.225(e)(3) and (4), subject to the provisions of the
2 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

3 (5.7) Commercial driver's license downgrade. "Commercial
4 driver's license downgrade" or "CDL downgrade" means either:

5 (A) a state allows the driver to change his or her
6 self-certification to interstate, but operating
7 exclusively in transportation or operation excepted from
8 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
9 391.2, 391.68, or 398.3;

10 (B) a state allows the driver to change his or her
11 self-certification to intrastate only, if the driver
12 qualifies under that state's physical qualification
13 requirements for intrastate only;

14 (C) a state allows the driver to change his or her
15 certification to intrastate, but operating exclusively in
16 transportation or operations excepted from all or part of
17 the state driver qualification requirements; or

18 (D) a state removes the CDL privilege from the driver
19 license.

20 (6) Commercial Motor Vehicle.

21 (A) "Commercial motor vehicle" or "CMV" means a motor
22 vehicle or combination of motor vehicles used in commerce,
23 except those referred to in subdivision (B), designed to
24 transport passengers or property if the motor vehicle:

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

1 pounds or more), whichever is greater, inclusive of any
2 towed unit with a gross vehicle weight rating or gross
3 vehicle weight of more than 4,536 kilograms (10,000
4 pounds), whichever is greater; or

5 (i-5) has a gross vehicle weight rating or gross
6 vehicle weight of 11,794 or more kilograms (26,001
7 pounds or more), whichever is greater; or

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

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

12 (B) Pursuant to the interpretation of the Commercial
13 Motor Vehicle Safety Act of 1986 by the Federal Highway
14 Administration, the definition of "commercial motor
15 vehicle" does not include:

16 (i) recreational vehicles, when operated primarily
17 for personal use;

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

1 (iii) firefighting, police, and other emergency
2 equipment (including, without limitation, equipment
3 owned or operated by a HazMat or technical rescue team
4 authorized by a county board under Section 5-1127 of
5 the Counties Code), with audible and visual signals,
6 owned or operated by or for a governmental entity,
7 which is necessary to the preservation of life or
8 property or the execution of emergency governmental
9 functions which are normally not subject to general
10 traffic rules and regulations.

11 (7) Controlled Substance. "Controlled substance" shall
12 have the same meaning as defined in Section 102 of the Illinois
13 Controlled Substances Act, and shall also include cannabis as
14 defined in Section 3 of the Cannabis Control Act and
15 methamphetamine as defined in Section 10 of the Methamphetamine
16 Control and Community Protection Act.

17 (8) Conviction. "Conviction" means an unvacated
18 adjudication of guilt or a determination that a person has
19 violated or failed to comply with the law in a court of
20 original jurisdiction or by an authorized administrative
21 tribunal; an unvacated forfeiture of bail or collateral
22 deposited to secure the person's appearance in court; a plea of
23 guilty or nolo contendere accepted by the court; the payment of
24 a fine or court cost regardless of whether the imposition of
25 sentence is deferred and ultimately a judgment dismissing the
26 underlying charge is entered; or a violation of a condition of

1 release without bail, regardless of whether or not the penalty
2 is rebated, suspended or probated.

3 (8.5) Day. "Day" means calendar day.

4 (9) (Blank).

5 (10) (Blank).

6 (11) (Blank).

7 (12) (Blank).

8 (13) Driver. "Driver" means any person who drives,
9 operates, or is in physical control of a commercial motor
10 vehicle, any person who is required to hold a CDL, or any
11 person who is a holder of a CDL while operating a
12 non-commercial motor vehicle.

13 (13.5) Driver applicant. "Driver applicant" means an
14 individual who applies to a state or other jurisdiction to
15 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
16 a CLP.

17 (13.8) Electronic device. "Electronic device" includes,
18 but is not limited to, a cellular telephone, personal digital
19 assistant, pager, computer, or any other device used to input,
20 write, send, receive, or read text.

21 (14) Employee. "Employee" means a person who is employed as
22 a commercial motor vehicle driver. A person who is
23 self-employed as a commercial motor vehicle driver must comply
24 with the requirements of this UCDLA pertaining to employees. An
25 owner-operator on a long-term lease shall be considered an
26 employee.

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

6 (15.1) Endorsement. "Endorsement" means an authorization
7 to an individual's CLP or CDL required to permit the individual
8 to operate certain types of commercial motor vehicles.

9 (15.2) Entry-level driver training. "Entry-level driver
10 training" means the training an entry-level driver receives
11 from an entity listed on the Federal Motor Carrier Safety
12 Administration's Training Provider Registry prior to: (i)
13 taking the CDL skills test required to receive the Class A or
14 Class B CDL for the first time; (ii) taking the CDL skills test
15 required to upgrade to a Class A or Class B CDL; or (iii)
16 taking the CDL skills test required to obtain a passenger or
17 school bus endorsement for the first time or the CDL knowledge
18 test required to obtain a hazardous materials endorsement for
19 the first time.

20 (15.3) Excepted interstate. "Excepted interstate" means a
21 person who operates or expects to operate in interstate
22 commerce, but engages exclusively in transportation or
23 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
24 398.3 from all or part of the qualification requirements of 49
25 C.F.R. Part 391 and is not required to obtain a medical
26 examiner's certificate by 49 C.F.R. 391.45.

1 (15.5) Excepted intrastate. "Excepted intrastate" means a
2 person who operates in intrastate commerce but engages
3 exclusively in transportation or operations excepted from all
4 or parts of the state driver qualification requirements.

5 (16) (Blank).

6 (16.5) Fatality. "Fatality" means the death of a person as
7 a result of a motor vehicle crash ~~accident~~.

8 (16.7) Foreign commercial driver. "Foreign commercial
9 driver" means a person licensed to operate a commercial motor
10 vehicle by an authority outside the United States, or a citizen
11 of a foreign country who operates a commercial motor vehicle in
12 the United States.

13 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
14 sovereign jurisdiction that does not fall within the definition
15 of "State".

16 (18) (Blank).

17 (19) (Blank).

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

23 (20.5) Imminent Hazard. "Imminent hazard" means the
24 existence of any condition of a vehicle, employee, or
25 commercial motor vehicle operations that substantially
26 increases the likelihood of serious injury or death if not

1 discontinued immediately; or a condition relating to hazardous
2 material that presents a substantial likelihood that death,
3 serious illness, severe personal injury, or a substantial
4 endangerment to health, property, or the environment may occur
5 before the reasonably foreseeable completion date of a formal
6 proceeding begun to lessen the risk of that death, illness,
7 injury or endangerment.

8 (20.6) Issuance. "Issuance" means initial issuance,
9 transfer, renewal, or upgrade of a CLP or CDL and non-domiciled
10 CLP or CDL.

11 (20.7) Issue. "Issue" means initial issuance, transfer,
12 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
13 non-domiciled CDL.

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

17 (21.01) Manual transmission. "Manual transmission" means a
18 transmission utilizing a driver-operated clutch that is
19 activated by a pedal or lever and a gear-shift mechanism
20 operated either by hand or foot including those known as a
21 stick shift, stick, straight drive, or standard transmission.
22 All other transmissions, whether semi-automatic or automatic,
23 shall be considered automatic for the purposes of the
24 standardized restriction code.

25 (21.1) Medical examiner. "Medical examiner" means an
26 individual certified by the Federal Motor Carrier Safety

1 Administration and listed on the National Registry of Certified
2 Medical Examiners in accordance with Federal Motor Carrier
3 Safety Regulations, 49 CFR 390.101 et seq.

4 (21.2) Medical examiner's certificate. "Medical examiner's
5 certificate" means either (1) prior to June 22, 2021, a
6 document prescribed or approved by the Secretary of State that
7 is issued by a medical examiner to a driver to medically
8 qualify him or her to drive; or (2) beginning June 22, 2021, an
9 electronic submission of results of an examination conducted by
10 a medical examiner listed on the National Registry of Certified
11 Medical Examiners to the Federal Motor Carrier Safety
12 Administration of a driver to medically qualify him or her to
13 drive.

14 (21.5) Medical variance. "Medical variance" means a driver
15 has received one of the following from the Federal Motor
16 Carrier Safety Administration which allows the driver to be
17 issued a medical certificate: (1) an exemption letter
18 permitting operation of a commercial motor vehicle pursuant to
19 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
20 skill performance evaluation (SPE) certificate permitting
21 operation of a commercial motor vehicle pursuant to 49 C.F.R.
22 391.49.

23 (21.7) Mobile telephone. "Mobile telephone" means a mobile
24 communication device that falls under or uses any commercial
25 mobile radio service, as defined in regulations of the Federal
26 Communications Commission, 47 CFR 20.3. It does not include

1 two-way or citizens band radio services.

2 (22) Motor Vehicle. "Motor vehicle" means every vehicle
3 which is self-propelled, and every vehicle which is propelled
4 by electric power obtained from over head trolley wires but not
5 operated upon rails, except vehicles moved solely by human
6 power and motorized wheel chairs.

7 (22.2) Motor vehicle record. "Motor vehicle record" means a
8 report of the driving status and history of a driver generated
9 from the driver record provided to users, such as drivers or
10 employers, and is subject to the provisions of the Driver
11 Privacy Protection Act, 18 U.S.C. 2721-2725.

12 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
13 combination of motor vehicles not defined by the term
14 "commercial motor vehicle" or "CMV" in this Section.

15 (22.7) Non-excepted interstate. "Non-excepted interstate"
16 means a person who operates or expects to operate in interstate
17 commerce, is subject to and meets the qualification
18 requirements under 49 C.F.R. Part 391, and is required to
19 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

20 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
21 means a person who operates only in intrastate commerce and is
22 subject to State driver qualification requirements.

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

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

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

7 (24) (Blank).

8 (25) (Blank).

9 (25.5) Railroad-Highway Grade Crossing Violation.

10 "Railroad-highway grade crossing violation" means a violation,
11 while operating a commercial motor vehicle, of any of the
12 following:

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

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

16 (25.7) School Bus. "School bus" means a commercial motor
17 vehicle used to transport pre-primary, primary, or secondary
18 school students from home to school, from school to home, or to
19 and from school-sponsored events. "School bus" does not include
20 a bus used as a common carrier.

21 (26) Serious Traffic Violation. "Serious traffic
22 violation" means:

23 (A) a conviction when operating a commercial motor
24 vehicle, or when operating a non-CMV while holding a CLP or
25 CDL, of:

26 (i) a violation relating to excessive speeding,

1 involving a single speeding charge of 15 miles per hour
2 or more above the legal speed limit; or

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

4 (iii) a violation of any State law or local
5 ordinance relating to motor vehicle traffic control
6 (other than parking violations) arising in connection
7 with a fatal traffic crash ~~accident~~; or

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

10 (v) a violation of paragraph (a) of Section 6-507,
11 relating to the requirement to have a valid CLP or CDL;
12 or

13 (vi) a violation relating to improper or erratic
14 traffic lane changes; or

15 (vii) a violation relating to following another
16 vehicle too closely; or

17 (viii) a violation relating to texting while
18 driving; or

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

21 (B) any other similar violation of a law or local
22 ordinance of any state relating to motor vehicle traffic
23 control, other than a parking violation, which the
24 Secretary of State determines by administrative rule to be
25 serious.

26 (27) State. "State" means a state of the United States, the

1 District of Columbia and any province or territory of Canada.

2 (28) (Blank).

3 (29) (Blank).

4 (30) (Blank).

5 (31) (Blank).

6 (32) Texting. "Texting" means manually entering
7 alphanumeric text into, or reading text from, an electronic
8 device.

9 (1) Texting includes, but is not limited to, short
10 message service, emailing, instant messaging, a command or
11 request to access a World Wide Web page, pressing more than
12 a single button to initiate or terminate a voice
13 communication using a mobile telephone, or engaging in any
14 other form of electronic text retrieval or entry for
15 present or future communication.

16 (2) Texting does not include:

17 (i) inputting, selecting, or reading information
18 on a global positioning system or navigation system; or

19 (ii) pressing a single button to initiate or
20 terminate a voice communication using a mobile
21 telephone; or

22 (iii) using a device capable of performing
23 multiple functions (for example, a fleet management
24 system, dispatching device, smart phone, citizens band
25 radio, or music player) for a purpose that is not
26 otherwise prohibited by Part 392 of the Federal Motor

1 Carrier Safety Regulations.

2 (32.3) Third party skills test examiner. "Third party
3 skills test examiner" means a person employed by a third party
4 tester who is authorized by the State to administer the CDL
5 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

6 (32.5) Third party tester. "Third party tester" means a
7 person (including, but not limited to, another state, a motor
8 carrier, a private driver training facility or other private
9 institution, or a department, agency, or instrumentality of a
10 local government) authorized by the State to employ skills test
11 examiners to administer the CDL skills tests specified in 49
12 C.F.R. Part 383, subparts G and H.

13 (32.7) United States. "United States" means the 50 states
14 and the District of Columbia.

15 (33) Use a hand-held mobile telephone. "Use a hand-held
16 mobile telephone" means:

17 (1) using at least one hand to hold a mobile telephone
18 to conduct a voice communication;

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

21 (3) reaching for a mobile telephone in a manner that
22 requires a driver to maneuver so that he or she is no
23 longer in a seated driving position, restrained by a seat
24 belt that is installed in accordance with 49 CFR 393.93 and
25 adjusted in accordance with the vehicle manufacturer's
26 instructions.

1 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

2 (625 ILCS 5/6-500.2) (from Ch. 95 1/2, par. 6-500.2)

3 Sec. 6-500.2. Statement of intent and purpose. The purpose
4 of this UCDLA is to implement the federal Commercial Motor
5 Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law
6 99-570) and reduce or prevent commercial motor vehicle crashes
7 ~~accidents~~, fatalities and injuries by:

8 (a) permitting commercial drivers to hold only one driver's
9 license;

10 (b) disqualifying commercial drivers who have committed
11 certain serious traffic violations, or other specified
12 offenses; and

13 (c) strengthening commercial driver licensing and testing
14 standards.

15 This UCDLA is remedial in nature and should be liberally
16 construed to promote the public's health, safety and welfare.
17 To the extent that this UCDLA conflicts with any other
18 provisions of this Code, the UCDLA shall prevail. Where this
19 UCDLA is silent, the other general provisions of this Code
20 shall apply.

21 (Source: P.A. 86-845.)

22 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

23 Sec. 6-514. Commercial driver's license (CDL); commercial
24 learner's permit (CLP); disqualifications.

1 (a) A person shall be disqualified from driving a
2 commercial motor vehicle for a period of not less than 12
3 months for the first violation of:

4 (1) Refusing to submit to or failure to complete a test
5 or tests to determine the driver's blood concentration of
6 alcohol, other drug, or both while driving a commercial
7 motor vehicle or, if the driver is a CLP or CDL holder,
8 while driving a non-CMV; or

9 (2) Operating a commercial motor vehicle while the
10 alcohol concentration of the person's blood, breath, other
11 bodily substance, or urine is at least 0.04, or any amount
12 of a drug, substance, or compound in the person's blood,
13 other bodily substance, or urine resulting from the
14 unlawful use or consumption of cannabis listed in the
15 Cannabis Control Act, a controlled substance listed in the
16 Illinois Controlled Substances Act, or methamphetamine as
17 listed in the Methamphetamine Control and Community
18 Protection Act as indicated by a police officer's sworn
19 report or other verified evidence; or operating a
20 non-commercial motor vehicle while the alcohol
21 concentration of the person's blood, breath, other bodily
22 substance, or urine was above the legal limit defined in
23 Section 11-501.1 or 11-501.8 or any amount of a drug,
24 substance, or compound in the person's blood, other bodily
25 substance, or urine resulting from the unlawful use or
26 consumption of cannabis listed in the Cannabis Control Act,

1 a controlled substance listed in the Illinois Controlled
2 Substances Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act as
4 indicated by a police officer's sworn report or other
5 verified evidence while holding a CLP or CDL; or

6 (3) Conviction for a first violation of:

7 (i) Driving a commercial motor vehicle or, if the
8 driver is a CLP or CDL holder, driving a non-CMV while
9 under the influence of alcohol, or any other drug, or
10 combination of drugs to a degree which renders such
11 person incapable of safely driving; or

12 (ii) Knowingly leaving the scene of a crash ~~an~~
13 ~~accident~~ while operating a commercial motor vehicle
14 or, if the driver is a CLP or CDL holder, while driving
15 a non-CMV; or

16 (iii) Driving a commercial motor vehicle or, if the
17 driver is a CLP or CDL holder, driving a non-CMV while
18 committing any felony; or

19 (iv) Driving a commercial motor vehicle while the
20 person's driving privileges or driver's license or
21 permit is revoked, suspended, or cancelled or the
22 driver is disqualified from operating a commercial
23 motor vehicle; or

24 (v) Causing a fatality through the negligent
25 operation of a commercial motor vehicle, including but
26 not limited to the crimes of motor vehicle

1 manslaughter, homicide by a motor vehicle, and
2 negligent homicide.

3 As used in this subdivision (a)(3)(v), "motor
4 vehicle manslaughter" means the offense of involuntary
5 manslaughter if committed by means of a vehicle;
6 "homicide by a motor vehicle" means the offense of
7 first degree murder or second degree murder, if either
8 offense is committed by means of a vehicle; and
9 "negligent homicide" means reckless homicide under
10 Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 and aggravated driving under the
12 influence of alcohol, other drug or drugs,
13 intoxicating compound or compounds, or any combination
14 thereof under subdivision (d)(1)(F) of Section 11-501
15 of this Code.

16 If any of the above violations or refusals occurred
17 while transporting hazardous material(s) required to be
18 placarded, the person shall be disqualified for a period of
19 not less than 3 years; or

20 (4) (Blank).

21 (b) A person is disqualified for life for a second
22 conviction of any of the offenses specified in paragraph (a),
23 or any combination of those offenses, arising from 2 or more
24 separate incidents.

25 (c) A person is disqualified from driving a commercial
26 motor vehicle for life if the person either (i) uses a

1 commercial motor vehicle in the commission of any felony
2 involving the manufacture, distribution, or dispensing of a
3 controlled substance, or possession with intent to
4 manufacture, distribute or dispense a controlled substance or
5 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the
6 commission of a felony involving any of those activities.

7 (d) The Secretary of State may, when the United States
8 Secretary of Transportation so authorizes, issue regulations
9 in which a disqualification for life under paragraph (b) may be
10 reduced to a period of not less than 10 years. If a reinstated
11 driver is subsequently convicted of another disqualifying
12 offense, as specified in subsection (a) of this Section, he or
13 she shall be permanently disqualified for life and shall be
14 ineligible to again apply for a reduction of the lifetime
15 disqualification.

16 (e) A person is disqualified from driving a commercial
17 motor vehicle for a period of not less than 2 months if
18 convicted of 2 serious traffic violations, committed in a
19 commercial motor vehicle, non-CMV while holding a CLP or CDL,
20 or any combination thereof, arising from separate incidents,
21 occurring within a 3 year period, provided the serious traffic
22 violation committed in a non-CMV would result in the suspension
23 or revocation of the CLP or CDL holder's non-CMV privileges.
24 However, a person will be disqualified from driving a
25 commercial motor vehicle for a period of not less than 4 months
26 if convicted of 3 serious traffic violations, committed in a

1 commercial motor vehicle, non-CMV while holding a CLP or CDL,
2 or any combination thereof, arising from separate incidents,
3 occurring within a 3 year period, provided the serious traffic
4 violation committed in a non-CMV would result in the suspension
5 or revocation of the CLP or CDL holder's non-CMV privileges. If
6 all the convictions occurred in a non-CMV, the disqualification
7 shall be entered only if the convictions would result in the
8 suspension or revocation of the CLP or CDL holder's non-CMV
9 privileges.

10 (e-1) (Blank).

11 (f) Notwithstanding any other provision of this Code, any
12 driver disqualified from operating a commercial motor vehicle,
13 pursuant to this UCCLA, shall not be eligible for restoration
14 of commercial driving privileges during any such period of
15 disqualification.

16 (g) After suspending, revoking, or cancelling a CLP or CDL,
17 the Secretary of State must update the driver's records to
18 reflect such action within 10 days. After suspending or
19 revoking the driving privilege of any person who has been
20 issued a CLP or CDL from another jurisdiction, the Secretary
21 shall originate notification to such issuing jurisdiction
22 within 10 days.

23 (h) The "disqualifications" referred to in this Section
24 shall not be imposed upon any commercial motor vehicle driver,
25 by the Secretary of State, unless the prohibited action(s)
26 occurred after March 31, 1992.

1 (i) A person is disqualified from driving a commercial
2 motor vehicle in accordance with the following:

3 (1) For 6 months upon a first conviction of paragraph
4 (2) of subsection (b) or subsection (b-3) of Section 6-507
5 of this Code.

6 (2) For 2 years upon a second conviction of paragraph
7 (2) of subsection (b) or subsection (b-3) or any
8 combination of paragraphs (2) or (3) of subsection (b) or
9 subsections (b-3) or (b-5) of Section 6-507 of this Code
10 within a 10-year period if the second conviction is a
11 violation of paragraph (2) of subsection (b) or subsection
12 (b-3).

13 (3) For 3 years upon a third or subsequent conviction
14 of paragraph (2) of subsection (b) or subsection (b-3) or
15 any combination of paragraphs (2) or (3) of subsection (b)
16 or subsections (b-3) or (b-5) of Section 6-507 of this Code
17 within a 10-year period if the third or subsequent
18 conviction is a violation of paragraph (2) of subsection
19 (b) or subsection (b-3).

20 (4) For one year upon a first conviction of paragraph
21 (3) of subsection (b) or subsection (b-5) of Section 6-507
22 of this Code.

23 (5) For 3 years upon a second conviction of paragraph
24 (3) of subsection (b) or subsection (b-5) or any
25 combination of paragraphs (2) or (3) of subsection (b) or
26 subsections (b-3) or (b-5) of Section 6-507 of this Code

1 within a 10-year period if the second conviction is a
2 violation of paragraph (3) of subsection (b) or (b-5).

3 (6) For 5 years upon a third or subsequent conviction
4 of paragraph (3) of subsection (b) or subsection (b-5) or
5 any combination of paragraphs (2) or (3) of subsection (b)
6 or subsections (b-3) or (b-5) of Section 6-507 of this Code
7 within a 10-year period if the third or subsequent
8 conviction is a violation of paragraph (3) of subsection
9 (b) or (b-5).

10 (j) Disqualification for railroad-highway grade crossing
11 violation.

12 (1) General rule. A driver who is convicted of a
13 violation of a federal, State, or local law or regulation
14 pertaining to one of the following 6 offenses at a
15 railroad-highway grade crossing must be disqualified from
16 operating a commercial motor vehicle for the period of time
17 specified in paragraph (2) of this subsection (j) if the
18 offense was committed while operating a commercial motor
19 vehicle:

20 (i) For drivers who are not required to always
21 stop, failing to slow down and check that the tracks
22 are clear of an approaching train or railroad track
23 equipment, as described in subsection (a-5) of Section
24 11-1201 of this Code;

25 (ii) For drivers who are not required to always
26 stop, failing to stop before reaching the crossing, if

1 the tracks are not clear, as described in subsection
2 (a) of Section 11-1201 of this Code;

3 (iii) For drivers who are always required to stop,
4 failing to stop before driving onto the crossing, as
5 described in Section 11-1202 of this Code;

6 (iv) For all drivers, failing to have sufficient
7 space to drive completely through the crossing without
8 stopping, as described in subsection (b) of Section
9 11-1425 of this Code;

10 (v) For all drivers, failing to obey a traffic
11 control device or the directions of an enforcement
12 official at the crossing, as described in subdivision
13 (a)2 of Section 11-1201 of this Code;

14 (vi) For all drivers, failing to negotiate a
15 crossing because of insufficient undercarriage
16 clearance, as described in subsection (d-1) of Section
17 11-1201 of this Code.

18 (2) Duration of disqualification for railroad-highway
19 grade crossing violation.

20 (i) First violation. A driver must be disqualified
21 from operating a commercial motor vehicle for not less
22 than 60 days if the driver is convicted of a violation
23 described in paragraph (1) of this subsection (j) and,
24 in the three-year period preceding the conviction, the
25 driver had no convictions for a violation described in
26 paragraph (1) of this subsection (j).

1 (ii) Second violation. A driver must be
2 disqualified from operating a commercial motor vehicle
3 for not less than 120 days if the driver is convicted
4 of a violation described in paragraph (1) of this
5 subsection (j) and, in the three-year period preceding
6 the conviction, the driver had one other conviction for
7 a violation described in paragraph (1) of this
8 subsection (j) that was committed in a separate
9 incident.

10 (iii) Third or subsequent violation. A driver must
11 be disqualified from operating a commercial motor
12 vehicle for not less than one year if the driver is
13 convicted of a violation described in paragraph (1) of
14 this subsection (j) and, in the three-year period
15 preceding the conviction, the driver had 2 or more
16 other convictions for violations described in
17 paragraph (1) of this subsection (j) that were
18 committed in separate incidents.

19 (k) Upon notification of a disqualification of a driver's
20 commercial motor vehicle privileges imposed by the U.S.
21 Department of Transportation, Federal Motor Carrier Safety
22 Administration, in accordance with 49 C.F.R. 383.52, the
23 Secretary of State shall immediately record to the driving
24 record the notice of disqualification and confirm to the driver
25 the action that has been taken.

26 (1) A foreign commercial driver is subject to

1 disqualification under this Section.

2 (Source: P.A. 98-122, eff. 1-1-14; 98-176 (see Section 10 of
3 P.A. 98-722 and Section 10 of P.A. 99-414 for the effective
4 date of changes made by P.A. 98-176); 98-722, eff. 7-16-14;
5 98-756, eff. 7-16-14; 98-1172, eff. 1-12-15; 99-697, eff.
6 7-29-16.)

7 (625 ILCS 5/6-516) (from Ch. 95 1/2, par. 6-516)

8 Sec. 6-516. Implied consent requirements for commercial
9 motor vehicle drivers.

10 (a) Effective April 1, 1992, any person who drives a
11 commercial motor vehicle upon the highways is hereby deemed to
12 have given consent to submit to a test or tests, subject to the
13 provisions of Section 11-501.2 of this Code, of such person's
14 breath, blood or urine for the purpose of determining the
15 presence of alcohol, or other drugs, in such person's system.

16 (b) A test or tests may be administered at the direction of
17 a law enforcement officer, who after stopping or detaining the
18 commercial motor vehicle driver, has probable cause to believe
19 that driver was driving a commercial motor vehicle while having
20 alcohol or any amount of a drug, substance, or compound
21 resulting from the unlawful use or consumption of cannabis
22 listed in the Cannabis Control Act, a controlled substance
23 listed in the Illinois Controlled Substances Act, or
24 methamphetamine as listed in the Methamphetamine Control and
25 Community Protection Act in such driver's system.

1 (c) Effective April 1, 1992, any person who operates a
2 school bus at the time of a crash ~~an accident~~ involving the
3 school bus is hereby deemed to have given consent to submit to
4 a test or tests to be administered at the direction of a law
5 enforcement officer, subject to the provisions of Section
6 11-501.2 of this Code, of the driver's breath, blood or urine
7 for the purpose of determining the presence of alcohol, or
8 other drugs, in the person's system.

9 (Source: P.A. 95-355, eff. 1-1-08.)

10 (625 ILCS 5/6-703) (from Ch. 95 1/2, par. 6-703)

11 Sec. 6-703. Effect of Conviction.

12 (a) The licensing authority in the home state, for the
13 purposes of suspension, revocation or limitation of the license
14 to operate a motor vehicle, shall give the same effect to the
15 conduct reported, pursuant to Section 6-702, as it would if
16 such conduct had occurred in the home state, in the case of
17 convictions for:

18 1. Manslaughter or negligent homicide resulting from the
19 operation of a motor vehicle;

20 2. Driving a motor vehicle while under the influence of
21 intoxicating liquor or a narcotic drug, or under the influence
22 of any other drug to a degree which renders the driver
23 incapable of safely driving a motor vehicle;

24 3. Any felony in the commission of which a motor vehicle is
25 used;

1 4. Failure to stop and render aid in the event of a motor
2 vehicle crash ~~accident~~ resulting in the death or personal
3 injury of another.

4 (b) As to other convictions, reported pursuant to Section
5 6-702, the licensing authority in the home state shall give
6 such effect to the conduct as is provided by the laws of the
7 home state.

8 (c) If the laws of a party state do not provide for
9 offenses or violations denominated or described in precisely
10 the words employed in paragraph (a) of this Section, such party
11 state shall construe the denominations and descriptions
12 appearing in paragraph (a) hereof as being applicable to and
13 identifying those offenses or violations of a substantially
14 similar nature, and the laws of such party state shall contain
15 such provision as may be necessary to ensure that full force
16 and effect is given to this Section.

17 (Source: P.A. 76-1615.)

18 (625 ILCS 5/6-1002)

19 Sec. 6-1002. Enhanced skills driving school
20 qualifications. In order to qualify for a license to operate an
21 enhanced skills driving school, each applicant must:

22 (1) Be of good moral character;

23 (2) Be at least 21 years of age;

24 (3) Maintain bodily injury and property damage
25 liability insurance on motor vehicles while used in driving

1 instruction, insuring the liability of the driving school,
2 the driving instructors and any person taking instruction
3 in at least the following amounts: \$500,000 for bodily
4 injury to or death of one person in any one crash ~~accident~~
5 and, subject to said limit for one person, \$1,000,000 for
6 bodily injury to or death of 2 or more persons in any one
7 crash ~~accident~~ and the amount of \$100,000 for damage to
8 property of others in any one crash ~~accident~~. Evidence of
9 such insurance coverage in the form of a certificate from
10 the insurance carrier shall be filed with the Secretary of
11 State, and such certificate shall stipulate that the
12 insurance shall not be cancelled except upon 10 days' prior
13 written notice to the Secretary of State;

14 (4) Have the equipment necessary to the giving of
15 proper instruction in the operation of motor vehicles; and

16 (5) Pay to the Secretary of State an application fee of
17 \$500 and \$50 for each branch application.

18 (Source: P.A. 96-740, eff. 1-1-10.)

19 (625 ILCS 5/6-1004)

20 Sec. 6-1004. Qualifications of enhanced skills driving
21 school instructors. In order to qualify for a license as an
22 instructor for an enhanced skills driving school, an applicant
23 must:

24 (1) Be of good moral character;

25 (2) Have never been convicted of driving while under

1 the influence of alcohol, other drugs, or a combination
2 thereof; leaving the scene of a crash ~~an accident~~; reckless
3 homicide or reckless driving;

4 (3) Be physically able to operate safely a motor
5 vehicle and to train others in the operation of motor
6 vehicles;

7 (4) Hold a valid drivers license; and

8 (5) Pay to the Secretary of State an application and
9 license fee of \$70.

10 (Source: P.A. 96-740, eff. 1-1-10.)

11 (625 ILCS 5/6-1009)

12 Sec. 6-1009. Denial, cancellation, suspension, revocation,
13 and failure to renew license. The Secretary may deny, cancel,
14 suspend or revoke, or refuse to renew any enhanced skills
15 driving school license or any enhanced skills driving school
16 instructor license:

17 (1) When the Secretary is satisfied that the licensee
18 fails to meet the requirements to receive or hold a license
19 under this Code;

20 (2) Whenever the licensee fails to keep records
21 required by this Code or by any rule prescribed by the
22 Secretary;

23 (3) Whenever the licensee fails to comply with any
24 provision of this Code or any rule of the Secretary made
25 pursuant thereto;

1 (4) Whenever the licensee represents himself or
2 herself as an agent or employee of the Secretary or uses
3 advertising designed to lead or which would reasonably have
4 the effect of leading persons to believe that such licensee
5 is in fact an employee or representative of the Secretary;

6 (5) Whenever the licensee or any employee or agent of
7 the licensee solicits driver training or instruction in an
8 office of any department of the Secretary of State having
9 to do with the administration of any law relating to motor
10 vehicles, or within 1,500 feet of any such office; or

11 (6) Whenever the licensee is convicted of driving while
12 under the influence of alcohol, other drugs, or a
13 combination thereof; leaving the scene of a crash ~~an~~
14 ~~accident~~; reckless homicide or reckless driving.

15 (Source: P.A. 96-740, eff. 1-1-10.)

16 (625 ILCS 5/Ch. 7 Art. II heading)

17 ARTICLE II. SECURITY FOLLOWING CRASH ~~ACCIDENT~~

18 (625 ILCS 5/7-201) (from Ch. 95 1/2, par. 7-201)

19 Sec. 7-201. Application of Article II. The Administrator as
20 soon as practicable after the receipt of the report, required
21 to be filed under Sections 11-406 and 11-410, of a motor
22 vehicle crash ~~accident~~ occurring within this State and that has
23 resulted in bodily injury or death of any person or that damage
24 to the property of any one person in excess of \$1,500 (or \$500

1 if any of the vehicles involved in the crash ~~accident~~ is
2 subject to Section 7-601 but is not covered by a liability
3 insurance policy in accordance with Section 7-601) was
4 sustained, shall determine:

5 1. Whether Section 7-202 of this Code requires the
6 deposit of security by or on behalf of any person who was
7 the operator or owner of any motor vehicle in any manner
8 involved in the crash ~~accident~~; and

9 2. What amount of security shall be sufficient to
10 satisfy any potential judgment or judgments for money
11 damages resulting from the crash ~~accident~~ as may be
12 recovered against the operator or owner, which amount shall
13 in no event be less than \$1,500 (or \$500 if any of the
14 vehicles involved in the crash ~~accident~~ is subject to
15 Section 7-601 but is not covered by a liability insurance
16 policy in accordance with Section 7-601).

17 (Source: P.A. 95-754, eff. 1-1-09.)

18 (625 ILCS 5/7-201.1) (from Ch. 95 1/2, par. 7-201.1)

19 Sec. 7-201.1. If the Administrator has not received a
20 report required to be filed under Sections 11-406 and 11-410,
21 or if the information contained in a report is insufficient,
22 the Administrator shall send to the person required to file the
23 report a written request for the missing report or the missing
24 information. The Administrator shall send such request no later
25 than 45 days after the crash ~~accident~~ or 7 days after receiving

1 information that such crash ~~accident~~ has occurred, whichever is
2 later.

3 If the request is sent to a driver involved in a crash ~~an~~
4 ~~accident~~, the request or an attachment thereto shall contain in
5 bold print a warning that failure to comply with the request
6 within 15 days may result in the suspension of the driver's
7 license.

8 (Source: P.A. 84-797.)

9 (625 ILCS 5/7-201.2) (from Ch. 95 1/2, par. 7-201.2)

10 Sec. 7-201.2. The Administrator, within 30 days after
11 compiling sufficient information on a motor vehicle crash
12 ~~accident~~, shall certify to the Secretary of State the name of
13 each owner and the name of each operator of any vehicle
14 involved in the crash ~~accident~~, his determination that security
15 is required under this Code, and the amount of the security.
16 The Administrator also shall supply to the Secretary of State a
17 copy of any crash ~~accident~~ report requested by the Secretary.

18 The Administrator shall send a copy of the certification to
19 each person whose name is certified. The copy, or an attachment
20 thereto, shall contain in bold print an explanation that,
21 because the person did not furnish the Department of
22 Transportation with evidence that he or she is insured or
23 otherwise able to pay for damages resulting from the crash
24 ~~accident~~, the person's name has been forwarded to the Secretary
25 of State for possible suspension of his or her driver's

1 license.

2 (Source: P.A. 84-797.)

3 (625 ILCS 5/7-202) (from Ch. 95 1/2, par. 7-202)

4 Sec. 7-202. Exceptions to requirements of security. (a) The
5 requirements as to security and suspension as provided by
6 Sections 7-201 and 7-205 shall not apply:

7 1. To the driver or owner if such owner had in effect at
8 the time of such motor vehicle crash ~~accident~~ a liability
9 policy covering such driver and owner with respect to the
10 vehicle involved in such motor vehicle crash ~~accident~~;

11 2. To the driver, if not the owner of such vehicle, if
12 there was in effect at the time of such motor vehicle crash
13 ~~accident~~ a liability policy or bond with respect to the
14 operation of motor vehicles not owned by the driver;

15 3. To the driver or owner if the liability of such driver
16 or owner for damages resulting from such motor vehicle crash
17 ~~accident~~ is covered by any other form of liability insurance
18 policy or bond;

19 4. To the driver or owner, if such owner is qualified as a
20 self-insurer as provided in Section 7-502;

21 5. To the owner if such owner at the time of such motor
22 vehicle crash ~~accident~~ was in compliance with Section 8-101 or
23 Section 9-101;

24 6. To the driver or owner if such owner at the time of such
25 motor vehicle crash ~~accident~~ was in compliance with the Federal

1 Revised Interstate Commerce Act (P.L. 95-473), as now or
2 hereafter amended;

3 7. To the owner if the vehicle involved in such motor
4 vehicle crash ~~accident~~ was owned by the United States, this
5 State or any political sub-division of this State, any
6 municipality therein, or any local Mass Transit District;

7 8. To the driver or the owner of a vehicle involved in a
8 motor vehicle crash ~~accident~~ wherein no injury or damage was
9 caused to the person or property of any one other than such
10 driver or owner;

11 9. To the driver or the owner of a vehicle which at the
12 time of the motor vehicle crash ~~accident~~ was parked, unless
13 such vehicle was parked at a place where parking was at the
14 time of the crash ~~accident~~ prohibited under any applicable law
15 or ordinance;

16 10. To the owner of a vehicle if at the time of the motor
17 vehicle crash ~~accident~~ the vehicle was being operated without
18 his permission, express or implied, or was parked by a person
19 who had been operating such motor vehicle without such
20 permission;

21 11. To the driver, if not the owner, of a commercial motor
22 vehicle on which there was no liability policy or bond with
23 respect to the operation of such vehicle in effect at the time
24 of the motor vehicle crash ~~accident~~ when the driver was
25 operating the vehicle in the course of the driver's employment
26 and had no actual knowledge of such lack of a liability policy

1 or bond prior to the motor vehicle crash ~~accident~~.

2 (b) If at the time of the motor vehicle crash ~~accident~~, an
3 owner or driver is covered by a motor vehicle liability policy
4 or bond meeting the requirements of this Code, such owner or
5 driver shall be exempt from suspension under Section 7-205 as
6 to that motor vehicle crash ~~accident~~, if the company issuing
7 the policy or bond has failed, and such policy or bond was not
8 effective at the time of the motor vehicle crash ~~accident~~ or
9 any time thereafter, provided, that the owner or driver had no
10 knowledge of the company's failure prior to the motor vehicle
11 crash ~~accident~~, and such owner or driver has secured within 30
12 days after learning of such failure another liability policy or
13 bond meeting the requirements of the Code relating to future
14 occurrences or motor vehicle crashes ~~accidents~~.

15 As used in this paragraph, the words "failed" or "failure"
16 mean that the company has suspended operations by order of a
17 court.

18 (Source: P.A. 85-293.)

19 (625 ILCS 5/7-203) (from Ch. 95 1/2, par. 7-203)

20 Sec. 7-203. Requirements as to policy or bond. No such
21 policy or bond referred to in Section 7-202 shall be effective
22 under this Section unless issued by an insurance company or
23 surety company authorized to do business in this State, except
24 that if such motor vehicle was not registered in this State, or
25 was a motor vehicle which was registered elsewhere than in this

1 State at the effective date of the policy or bond, or the most
2 recent renewal thereof, such policy or bond shall not be
3 effective under this Section unless the insurance company or
4 surety company, if not authorized to do business in this State,
5 shall execute a power of attorney authorizing the Secretary of
6 State to accept service on its behalf of notice or process in
7 any action upon such policy or bond arising out of such motor
8 vehicle crash ~~accident~~. However, every such policy or bond is
9 subject, if the motor vehicle crash ~~accident~~ has resulted in
10 bodily injury or death, to a limit, exclusive of interest and
11 costs, of not less than \$25,000 because of bodily injury to or
12 death of any one person in any one motor vehicle crash ~~accident~~
13 and, subject to said limit for one person, to a limit of not
14 less than \$50,000 because of bodily injury to or death of 2 or
15 more persons in any one motor vehicle crash ~~accident~~, and, if
16 the motor vehicle crash ~~accident~~ has resulted in injury to or
17 destruction of property, to a limit of not less than \$20,000
18 because of injury to or destruction of property of others in
19 any one motor vehicle crash ~~accident~~. The changes to this
20 Section made by this amendatory Act of the 98th General
21 Assembly apply only to policies issued or renewed on or after
22 January 1, 2015.

23 Upon receipt of a written motor vehicle crash ~~accident~~
24 report from the Administrator the insurance company or surety
25 company named in such notice shall notify the Administrator
26 within such time and in such manner as the Administrator may

1 require, in case such policy or bond was not in effect at the
2 time of such motor vehicle crash ~~accident~~.

3 (Source: P.A. 98-519, eff. 1-1-15.)

4 (625 ILCS 5/7-204) (from Ch. 95 1/2, par. 7-204)

5 Sec. 7-204. Form and amount of security - Definition.

6 (A) Any security required to be deposited under this Act
7 shall be in the form as the Secretary of State may require by
8 administrative rule, and in the amounts as the Administrator
9 may determine to be sufficient to satisfy any judgment or
10 judgments for damages against an operator or owner but in no
11 case in excess of the limits specified in Section 7-203 of this
12 Act in reference to the acceptable limits of a policy or bond
13 nor for an amount less than \$1,500 (or \$500 if any of the
14 vehicles involved in the crash ~~accident~~ is subject to Section
15 7-601 but is not covered by a liability insurance policy in
16 accordance with Section 7-601).

17 (B) The person depositing security shall specify in writing
18 the person or persons on whose behalf the deposit is made and,
19 while at any time the deposit is in the custody of the
20 Secretary of State or State Treasurer, the person depositing it
21 may, in writing, amend the specification of the person or
22 persons on whose behalf the deposit is made to include an
23 additional person or persons; provided, however, that a single
24 deposit of security shall be applicable only on behalf of
25 persons, required to furnish security because of the same crash

1 ~~accident.~~

2 (C) Within 10 days after any security required under the
3 provisions of this Article is deposited with the Secretary of
4 State, the Secretary shall send notice of the security deposit
5 to the following, if known:

6 1. To each owner and operator of any vehicle involved
7 in the crash ~~accident~~ that sustained damage in excess of
8 \$1,500 (or \$500 if any of the vehicles involved in the
9 crash ~~accident~~ is subject to Section 7-601 but is not
10 covered by a liability insurance policy in accordance with
11 Section 7-601);

12 2. To any person who sustained damage to personal or
13 real property in excess of \$1,500 (or \$500 if any of the
14 vehicles involved in the crash ~~accident~~ is subject to
15 Section 7-601 but is not covered by a liability insurance
16 policy in accordance with Section 7-601);

17 3. To any person who was injured as a result of the
18 crash ~~accident~~; and

19 4. To the estate of any person killed as a result of
20 the crash ~~accident~~.

21 (Source: P.A. 95-754, eff. 1-1-09.)

22 (625 ILCS 5/7-208) (from Ch. 95 1/2, par. 7-208)

23 Sec. 7-208. Agreements for payment of damages. (a) Any 2 or
24 more of the persons involved in a motor vehicle crash ~~accident~~
25 subject to the provisions of Section 7-201 or their authorized

1 representatives, may at any time enter into a written agreement
2 for the payment of an agreed amount in installments, with
3 respect to all claims for injuries or damages resulting from
4 the motor vehicle crash ~~accident~~.

5 (b) The Secretary of State, to the extent provided by any
6 such written agreement properly filed with him, shall not
7 require the deposit of security and shall terminate any prior
8 order of suspension, or, if security has previously been
9 deposited, the Secretary of State shall immediately return such
10 security to the depositor or an appropriate personal
11 representative.

12 (c) In the event of a default in any payment under such
13 agreement and upon notice of such default the Secretary of
14 State shall forthwith suspend the driver's license and
15 registration, or nonresident's operating privileges, of such
16 person in default which shall not be restored unless and until:

17 1. Such person deposits and thereafter maintains
18 security as required under Section 7-201 in such amount as
19 the Secretary of State may then determine,

20 2. Two years have elapsed since the acceptance of the
21 notice of default by the Secretary of State and during such
22 period no action upon such agreement has been instituted in
23 any court having jurisdiction, or

24 3. The person enters into a second written agreement
25 for the payment of an agreed amount in installments with
26 respect to all claims for injuries or damages resulting

1 from the motor vehicle crash ~~accident~~.

2 (Source: P.A. 90-774, eff. 8-14-98.)

3 (625 ILCS 5/7-209) (from Ch. 95 1/2, par. 7-209)

4 Sec. 7-209. Payment upon judgment. The payment of a
5 judgment arising out of a motor vehicle crash ~~accident~~ or the
6 payment upon such judgment of an amount equal to the maximum
7 amount which could be required for deposit under this Article
8 shall for the purposes of this Code be deemed satisfied.

9 (Source: P.A. 83-831.)

10 (625 ILCS 5/7-211) (from Ch. 95 1/2, par. 7-211)

11 Sec. 7-211. Duration of suspension.

12 (a) Unless a suspension is terminated under other
13 provisions of this Code, the driver's license or registration
14 and nonresident's operating privilege suspended as provided in
15 Section 7-205 shall remain suspended and shall not be renewed
16 nor shall any license or registration be issued to the person
17 until:

18 1. The person deposits or there shall be deposited and
19 filed on the person's behalf the security required under
20 Section 7-201;

21 2. Two years have elapsed following the date the
22 driver's license and registrations were suspended and
23 evidence satisfactory to the Secretary of State that during
24 the period no action for damages arising out of a motor

1 vehicle crash ~~accident~~ has been properly filed;

2 3. Receipt of proper notice that the person has filed
3 bankruptcy which would include all claims for personal
4 injury and property damage resulting from the crash
5 ~~accident~~; or

6 4. After the expiration of 5 years from the date of the
7 crash ~~accident~~, the Secretary of State has not received
8 documentation that any action at law for damages arising
9 out of the motor vehicle crash ~~accident~~ has been filed
10 against the person.

11 An affidavit that no action at law for damages arising out
12 of the motor vehicle crash ~~accident~~ has been filed against the
13 applicant, or if filed that it is not still pending shall be
14 prima facie evidence of that fact. The Secretary of State may
15 take whatever steps are necessary to verify the statement set
16 forth in the applicant's affidavit.

17 (b) The driver's license or registration and nonresident's
18 operating privileges suspended as provided in Section 7-205
19 shall also remain suspended and shall not be renewed nor shall
20 any license or registration be issued to the person until the
21 person gives proof of his or her financial responsibility in
22 the future as provided in Section 1-164.5. The proof is to be
23 maintained by the person in a manner satisfactory to the
24 Secretary of State for a period of 3 years after the date the
25 proof is first filed.

26 (Source: P.A. 90-264, eff. 1-1-98; 91-80, eff. 7-9-99.)

1 (625 ILCS 5/7-212) (from Ch. 95 1/2, par. 7-212)

2 Sec. 7-212. Authority of Administrator and Secretary of
3 State to decrease amount of security. The Administrator may
4 reduce the amount of security ordered in any case within one
5 year after the date of the crash ~~accident~~, but in no event for
6 an amount less than \$1,500 (or \$500 if any of the vehicles
7 involved in the crash ~~accident~~ is subject to Section 7-601 but
8 is not covered by a liability insurance policy in accordance
9 with Section 7-601), if, in the judgment of the Administrator
10 the amount ordered is excessive, or may revoke or rescind its
11 order requiring the deposit of security in any case within one
12 year after the date of the crash ~~accident~~ if, in the judgment
13 of the Administrator, the provisions of Sections 7-202 and
14 7-203 excuse or exempt the operator or owner from the
15 requirement of the deposit. In case the security originally
16 ordered has been deposited the excess of the reduced amount
17 ordered shall be returned to the depositor or his or her
18 personal representative forthwith, notwithstanding the
19 provisions of Section 7-214. The Secretary of State likewise
20 shall have authority granted to the Administrator to reduce the
21 amount of security ordered by the Administrator.

22 (Source: P.A. 95-754, eff. 1-1-09.)

23 (625 ILCS 5/7-214) (from Ch. 95 1/2, par. 7-214)

24 Sec. 7-214. Disposition of Security. Such security shall be

1 applicable only to the payment of a judgment or judgments,
2 rendered against the person or persons on whose behalf the
3 deposit was made, for damages arising out of the crash ~~accident~~
4 in question, in an action at law, begun not later than two
5 years after the later of (i) the date the driver's license and
6 registration were suspended following the crash ~~accident~~ or
7 (ii) the date of any default in any payment under an
8 installment agreement for payment of damages, and such deposit
9 or any balance thereof shall be returned to the depositor or
10 his personal representative when evidence satisfactory to the
11 Secretary of State has been filed with him:

12 1. that there has been a release from liability, or a
13 final adjudication of non-liability; or

14 2. a duly acknowledged written agreement in accordance
15 with Section 7-208 of this Act; or

16 3. whenever after the expiration of two years after the
17 later of (i) the date the driver's license and registration
18 were suspended following the crash ~~accident~~ or (ii) the
19 date of any default in any payment under an installment
20 agreement for payment of damages, the Secretary of State
21 shall be given reasonable evidence that there is no such
22 action pending and no judgment rendered in such action left
23 unpaid.

24 If, after releasing security to a judgment debtor or
25 claimant, the balance of the security posted with the Secretary
26 is \$5 or less, the balance shall be transferred to the General

1 Revenue Fund. The Secretary shall compile a list of all
2 security amounts of \$5 or less annually in July and shall
3 certify that amount to the State Comptroller. As soon as
4 possible after receiving the certification, the State
5 Comptroller shall order transferred and the State Treasurer
6 shall transfer the amount certified to the General Revenue
7 Fund.

8 (Source: P.A. 98-178, eff. 1-1-14.)

9 (625 ILCS 5/7-216) (from Ch. 95 1/2, par. 7-216)

10 Sec. 7-216. Reciprocity; residents and nonresidents;
11 licensing of nonresidents.

12 (a) When a nonresident's operating privilege is suspended
13 pursuant to Section 7-205 the Secretary of State shall transmit
14 a certified copy of the record of such action to the official
15 in charge of the issuance of driver's license and registration
16 certificates in the state in which such nonresident resides, if
17 the law of such other state provides for action in relation
18 thereto similar to that provided for in subsection (b).

19 (b) Upon receipt of such certification that the operating
20 privilege of a resident of this State has been suspended or
21 revoked in any such other state pursuant to a law providing for
22 its suspension or revocation for failure to deposit security
23 for the payment of judgments arising out of a motor vehicle
24 crash ~~accident~~, or for failure to deposit security under
25 circumstances which would require the Secretary of State to

1 suspend a nonresident's operating privilege had the motor
2 vehicle crash ~~accident~~ occurred in this State, the Secretary of
3 State shall suspend the driver's license of such resident and
4 all other registrations. Such suspension shall continue until
5 such resident furnishes evidence of compliance with the law of
6 such other state relating to the deposit of such security.

7 (c) In case the operator or the owner of a motor vehicle
8 involved in a motor vehicle crash ~~accident~~ within this State
9 has no driver's license or registration, such operator shall
10 not be allowed a driver's license or registration until the
11 operator has complied with the requirements of Sections 7-201
12 through 7-216 to the same extent that would be necessary if, at
13 the time of the motor vehicle crash ~~accident~~, such operator had
14 held a license and registration.

15 (Source: P.A. 100-863, eff. 8-14-18.)

16 (625 ILCS 5/7-303) (from Ch. 95 1/2, par. 7-303)

17 Sec. 7-303. Suspension of driver's licenses, registration
18 certificates, license plates or digital license plates, and
19 registration stickers or digital registration stickers for
20 failure to satisfy judgment.

21 (a) The Secretary of State shall, except as provided in
22 paragraph (d), suspend the driver's license issued to any
23 person upon receiving an authenticated report as hereinafter
24 provided for in Section 7-307 that the person has failed for a
25 period of 30 days to satisfy any final judgment in amounts as

1 hereinafter stated, and shall also suspend the registration
2 certificate, license plates or digital license plates, and
3 registration sticker or digital registration sticker of the
4 judgment debtor's motor vehicle involved in the crash as
5 indicated in the authenticated report.

6 (b) The term "judgment" shall mean: A final judgment of any
7 court of competent jurisdiction of any State, against a person
8 as defendant for damages on account of bodily injury to or
9 death of any person or damages to property resulting from the
10 operation, on and after July 12, 1938, of any motor vehicle.

11 (c) The term "State" shall mean: Any State, Territory, or
12 possession of the United States, the District of Columbia, or
13 any province of the Dominion of Canada.

14 (d) The Secretary of State shall not suspend the driver's
15 license, registration certificates, registration stickers or
16 digital registration stickers, or license plates or digital
17 license plates of the judgment debtor, nor shall such judgment
18 debtor be subject to the suspension provisions of Sections
19 7-308 and 7-309 if all the following conditions are met:

20 1. At the time of the motor vehicle crash ~~accident~~
21 which gave rise to the unsatisfied judgment the judgment
22 debtor was covered by a motor vehicle liability policy or
23 bond meeting the requirements of this Chapter;

24 2. The insurance company which issued the policy or
25 bond has failed and has suspended operations by order of a
26 court;

1 3. The judgment debtor had no knowledge of the
2 insurance company's failure prior to the motor vehicle
3 crash ~~accident~~;

4 4. Within 30 days after learning of the insurance
5 company's failure the judgment debtor secured another
6 liability policy or bond meeting the requirements of this
7 Article relating to future occurrences or crashes
8 ~~accidents~~;

9 5. The insurance company which issued the motor vehicle
10 liability policy or bond that covered the judgment debtor
11 at the time of the motor vehicle crash ~~accident~~ is unable
12 to satisfy the judgment in the amounts specified in Section
13 7-311;

14 6. The judgment debtor presents to the Secretary of
15 State such certified documents or other proofs as the
16 Secretary of State may require that all of the conditions
17 set forth in this Section have been met.

18 (Source: P.A. 101-395, eff. 8-16-19.)

19 (625 ILCS 5/7-309) (from Ch. 95 1/2, par. 7-309)

20 Sec. 7-309. Suspension to continue until judgments paid and
21 proof given.

22 (a) The suspension of such driver's license, license plates
23 and registration stickers shall remain in effect and no other
24 vehicle shall be registered in the name of such judgment
25 debtor, nor any new license issued to such person (including

1 any such person not previously licensed), unless and until the
2 Secretary of State receives authenticated documentation that
3 such judgment is satisfied, or dormant as provided for in
4 Section 12-108 of the Code of Civil Procedure, as now or
5 hereafter amended, or stayed by court order, and the judgment
6 debtor gives proof of financial responsibility, as hereinafter
7 provided. The Secretary of State may terminate the suspension
8 of such person's driver's license, license plates and
9 registration stickers and no proof of financial responsibility
10 shall be required on any existing suspensions under this
11 Article which are more than 20 years old.

12 (b) Whenever, after one judgment is satisfied and proof of
13 financial responsibility is given as herein required, another
14 such judgment is rendered against the judgment debtor for any
15 motor vehicle crash ~~accident~~ occurring prior to the date of the
16 giving of said proof and such person fails to satisfy the
17 latter judgment within the amounts specified herein within 30
18 days after the same becomes final, then the Secretary of State
19 shall again suspend the driver's license of such judgment
20 debtor and shall again suspend the registration of any vehicle
21 registered in the name of such judgment debtor as owner. Such
22 driver's license and registration shall not be renewed nor
23 shall a driver's license and registration of any vehicle be
24 issued to such judgment debtor while such latter judgment
25 remains in effect and unsatisfied within the amount specified
26 herein.

1 (Source: P.A. 90-655, eff. 7-30-98.)

2 (625 ILCS 5/7-310) (from Ch. 95 1/2, par. 7-310)

3 Sec. 7-310. Petition for discharge filed in bankruptcy. A
4 petition for discharge filed in bankruptcy following the
5 rendering of any judgment shall relieve the judgment debtor
6 from the requirements of this Chapter 7, except that the
7 judgment debtor's drivers license shall remain suspended and
8 may not be renewed, and the judgment debtor may not be issued a
9 license or registration, until the judgment debtor gives proof
10 of his or her financial responsibility in the future, as
11 provided in Section 1-164.5. The proof is to be maintained by
12 the judgment debtor, in a manner satisfactory to the Secretary
13 of State, for a period of 3 years after the date on which the
14 proof is first filed.

15 A petition for discharge filed in bankruptcy of the owner
16 or lessee of a commercial vehicle by whom the judgment debtor
17 is employed at the time of the motor vehicle crash ~~accident~~
18 that gives rise to the judgment also shall relieve the judgment
19 debtor so employed from any of the requirements of this Chapter
20 7 if the discharge of the owner or lessee follows the rendering
21 of the judgment and if the judgment debtor so employed was
22 operating the commercial vehicle in connection with his or her
23 regular employment or occupation at the time of the crash
24 ~~accident~~. This amendatory act of 1985 applies to all cases
25 irrespective of whether the crash ~~accident~~ giving rise to the

1 suspension of license or registration occurred before, on, or
2 after its effective date.

3 (Source: P.A. 93-982, eff. 1-1-05.)

4 (625 ILCS 5/7-311) (from Ch. 95 1/2, par. 7-311)

5 Sec. 7-311. Payments sufficient to satisfy requirements.

6 (a) Judgments herein referred to arising out of motor
7 vehicle crashes ~~accidents~~ occurring on or after January 1, 2015
8 (the effective date of Public Act 98-519) shall for the purpose
9 of this Chapter be deemed satisfied:

10 1. when \$25,000 has been credited upon any judgment or
11 judgments rendered in excess of that amount for bodily
12 injury to or the death of one person as the result of any
13 one motor vehicle crash ~~accident~~; or

14 2. when, subject to said limit of \$25,000 as to any one
15 person, the sum of \$50,000 has been credited upon any
16 judgment or judgments rendered in excess of that amount for
17 bodily injury to or the death of more than one person as
18 the result of any one motor vehicle crash ~~accident~~; or

19 3. when \$20,000 has been credited upon any judgment or
20 judgments, rendered in excess of that amount for damages to
21 property of others as a result of any one motor vehicle
22 crash ~~accident~~.

23 The changes to this subsection made by Public Act 98-519
24 apply only to policies issued or renewed on or after January 1,
25 2015.

1 (b) Credit for such amounts shall be deemed a satisfaction
2 of any such judgment or judgments in excess of said amounts
3 only for the purposes of this Chapter.

4 (c) Whenever payment has been made in settlement of any
5 claim for bodily injury, death, or property damage arising from
6 a motor vehicle crash ~~accident~~ resulting in injury, death, or
7 property damage to two or more persons in such crash ~~accident~~,
8 any such payment shall be credited in reduction of the amounts
9 provided for in this Section.

10 (Source: P.A. 99-78, eff. 7-20-15; 100-201, eff. 8-18-17.)

11 (625 ILCS 5/7-316) (from Ch. 95 1/2, par. 7-316)

12 Sec. 7-316. Certificate furnished by nonresident as proof.
13 Any nonresident owner of a motor vehicle not registered in this
14 State may give proof of financial responsibility by filing with
15 the Secretary of State a certificate or certificates of an
16 insurance carrier authorized to transact business in the state
17 or province of the Dominion of Canada in which the motor
18 vehicle or motor vehicles described in such certificate are
19 registered, or if such nonresident does not own a motor vehicle
20 then in the state or province of the Dominion of Canada in
21 which the insured resides, and otherwise conforming to the
22 provisions of this Code, and the Secretary of State shall
23 accept the same if such carrier shall:

24 1. Execute a power of attorney authorizing the Secretary of
25 State to accept service on its behalf of notice of process in

1 any action arising out of a motor vehicle crash ~~accident~~ in
2 this State;

3 2. Duly adopt a resolution which shall be binding upon it
4 declaring that its policies shall be deemed to be varied to
5 comply with the laws of this State relating to the terms of
6 motor vehicle liability policies as required by Section 7-317;
7 and

8 3. Agree to accept as final and binding any final judgment
9 duly rendered in any action arising out of a motor vehicle
10 crash ~~accident~~ in any court of competent jurisdiction in this
11 State.

12 (Source: P.A. 83-831.)

13 (625 ILCS 5/7-317) (from Ch. 95 1/2, par. 7-317)

14 Sec. 7-317. "Motor vehicle liability policy" defined.

15 (a) Certification. -A "motor vehicle liability policy", as
16 that term is used in this Act, means an "owner's policy" or an
17 "operator's policy" of liability insurance, certified as
18 provided in Section 7-315 or Section 7-316 as proof of
19 financial responsibility for the future, and issued, except as
20 otherwise provided in Section 7-316, by an insurance carrier
21 duly authorized to transact business in this State, to or for
22 the benefit of the person named therein as insured.

23 (b) Owner's Policy. --Such owner's policy of liability
24 insurance:

25 1. Shall designate by explicit description or by

1 appropriate reference, all motor vehicles with respect to
2 which coverage is thereby intended to be granted;

3 2. Shall insure the person named therein and any other
4 person using or responsible for the use of such motor
5 vehicle or vehicles with the express or implied permission
6 of the insured;

7 3. Shall insure every named insured and any other
8 person using or responsible for the use of any motor
9 vehicle owned by the named insured and used by such other
10 person with the express or implied permission of the named
11 insured on account of the maintenance, use or operation of
12 any motor vehicle owned by the named insured, within the
13 continental limits of the United States or the Dominion of
14 Canada against loss from liability imposed by law arising
15 from such maintenance, use or operation, to the extent and
16 aggregate amount, exclusive of interest and cost, with
17 respect to each motor vehicle, of \$25,000 for bodily injury
18 to or death of one person as a result of any one crash
19 ~~accident~~ and, subject to such limit as to one person, the
20 amount of \$50,000 for bodily injury to or death of all
21 persons as a result of any one crash ~~accident~~ and the
22 amount of \$20,000 for damage to property of others as a
23 result of any one crash ~~accident~~. The changes to this
24 paragraph made by this amendatory Act of the 98th General
25 Assembly apply only to policies issued or renewed on or
26 after January 1, 2015.

1 (c) Operator's Policy. --When an operator's policy is
2 required, it shall insure the person named therein as insured
3 against the liability imposed by law upon the insured for
4 bodily injury to or death of any person or damage to property
5 to the amounts and limits above set forth and growing out of
6 the use or operation by the insured within the continental
7 limits of the United States or the Dominion of Canada of any
8 motor vehicle not owned by him.

9 (d) Required Statements in Policies. --Every motor vehicle
10 liability policy must specify the name and address of the
11 insured, the coverage afforded by the policy, the premium
12 charged therefor, the policy period, and the limits of
13 liability, and shall contain an agreement that the insurance
14 thereunder is provided in accordance with the coverage defined
15 in this Act, as respects bodily injury and death or property
16 damage or both, and is subject to all the provisions of this
17 Act.

18 (e) Policy Need Not Insure Workers' Compensation. --Any
19 liability policy or policies issued hereunder need not cover
20 any liability of the insured assumed by or imposed upon the
21 insured under any workers' compensation law nor any liability
22 for damage to property in charge of the insured or the
23 insured's employees.

24 (f) Provisions Incorporated in Policy. --Every motor
25 vehicle liability policy is subject to the following provisions
26 which need not be contained therein:

1 1. The liability of the insurance carrier under any
2 such policy shall become absolute whenever loss or damage
3 covered by the policy occurs and the satisfaction by the
4 insured of a final judgment for such loss or damage shall
5 not be a condition precedent to the right or obligation of
6 the carrier to make payment on account of such loss or
7 damage.

8 2. No such policy may be cancelled or annulled as
9 respects any loss or damage, by any agreement between the
10 carrier and the insured after the insured has become
11 responsible for such loss or damage, and any such
12 cancellation or annulment shall be void.

13 3. The insurance carrier shall, however, have the right
14 to settle any claim covered by the policy, and if such
15 settlement is made in good faith, the amount thereof shall
16 be deductible from the limits of liability specified in the
17 policy.

18 4. The policy, the written application therefor, if
19 any, and any rider or endorsement which shall not conflict
20 with the provisions of this Act shall constitute the entire
21 contract between the parties.

22 (g) Excess or Additional Coverage. --Any motor vehicle
23 liability policy may, however, grant any lawful coverage in
24 excess of or in addition to the coverage herein specified or
25 contain any agreements, provisions, or stipulations not in
26 conflict with the provisions of this Act and not otherwise

1 contrary to law.

2 (h) Reimbursement Provision Permitted. --The policy may
3 provide that the insured, or any other person covered by the
4 policy shall reimburse the insurance carrier for payment made
5 on account of any loss or damage claim or suit involving a
6 breach of the terms, provisions or conditions of the policy;
7 and further, if the policy shall provide for limits in excess
8 of the limits specified in this Act, the insurance carrier may
9 plead against any plaintiff, with respect to the amount of such
10 excess limits of liability, any defense which it may be
11 entitled to plead against the insured.

12 (i) Proration of Insurance Permitted. --The policy may
13 provide for the pro-rating of the insurance thereunder with
14 other applicable valid and collectible insurance.

15 (j) Binders. --Any binder pending the issuance of any
16 policy, which binder contains or by reference includes the
17 provisions hereunder shall be sufficient proof of ability to
18 respond in damages.

19 (k) Copy of Policy to Be Filed with Department of
20 Insurance--Approval. --A copy of the form of every motor
21 vehicle liability policy which is to be used to meet the
22 requirements of this Act must be filed, by the company offering
23 such policy, with the Department of Insurance, which shall
24 approve or disapprove the policy within 30 days of its filing.
25 If the Department approves the policy in writing within such 30
26 day period or fails to take action for 30 days, the form of

1 policy shall be deemed approved as filed. If within the 30 days
2 the Department disapproves the form of policy filed upon the
3 ground that it does not comply with the requirements of this
4 Act, the Department shall give written notice of its decision
5 and its reasons therefor to the carrier and the policy shall
6 not be accepted as proof of financial responsibility under this
7 Act.

8 (l) Insurance Carrier Required to File Certificate. --An
9 insurance carrier who has issued a motor vehicle liability
10 policy or policies or an operator's policy meeting the
11 requirements of this Act shall, upon the request of the insured
12 therein, deliver to the insured for filing, or at the request
13 of the insured, shall file direct, with the Secretary of State
14 a certificate, as required by this Act, which shows that such
15 policy or policies have been issued. No insurance carrier may
16 require the payment of any extra fee or surcharge, in addition
17 to the insurance premium, for the execution, delivery or filing
18 of such certificate.

19 (m) Proof When Made By Endorsement. --Any motor vehicle
20 liability policy which by endorsement contains the provisions
21 required hereunder shall be sufficient proof of ability to
22 respond in damages.

23 (Source: P.A. 98-519, eff. 1-1-15.)

24 (625 ILCS 5/7-328) (from Ch. 95 1/2, par. 7-328)

25 Sec. 7-328. Duration of proof - When proof may be canceled

1 or returned. The Secretary of State shall upon request cancel
2 any bond or return any certificate of insurance, or the
3 Secretary of State shall direct and the State Treasurer shall
4 return to the person entitled thereto any money or securities,
5 deposited pursuant to this Chapter as proof of financial
6 responsibility or waive the requirements of filing proof of
7 financial responsibility in any of the following events:

8 1. In the event of the death of the person on whose behalf
9 such proof was filed, or the permanent incapacity of such
10 person to operate a motor vehicle;

11 2. In the event the person who has given proof of financial
12 responsibility surrenders such person's driver's license,
13 registration certificates, license plates and registration
14 stickers, but the Secretary of State shall not release such
15 proof in the event any action for damages upon a liability
16 referred to in this Article is then pending or any judgment
17 upon any such liability is then outstanding and unsatisfied or
18 in the event the Secretary of State has received notice that
19 such person has, within the period of 3 months immediately
20 preceding, been involved as a driver in any motor vehicle crash
21 ~~accident~~. An affidavit of the applicant of the nonexistence of
22 such facts shall be sufficient evidence thereof in the absence
23 of evidence to the contrary in the records of the Secretary of
24 State. Any person who has not completed the required 3 year
25 period of proof of financial responsibility pursuant to Section
26 7-304, and to whom proof has been surrendered as provided in

1 this paragraph applies for a driver's license or the
2 registration of a motor vehicle shall have the application
3 denied unless the applicant re-establishes such proof for the
4 remainder of such period.

5 3. In the event that proof of financial responsibility has
6 been deposited voluntarily, at any time upon request of the
7 person entitled thereto, provided that the person on whose
8 behalf such proof was given has not, during the period between
9 the date of the original deposit thereof and the date of such
10 request, been convicted of any offense for which revocation is
11 mandatory as provided in Section 6-205; provided, further, that
12 no action for damages is pending against such person on whose
13 behalf such proof of financial responsibility was furnished and
14 no judgment against such person is outstanding and unsatisfied
15 in respect to bodily injury, or in respect to damage to
16 property resulting from the ownership, maintenance, use or
17 operation hereafter of a motor vehicle. An affidavit of the
18 applicant under this Section shall be sufficient evidence of
19 the facts in the absence of evidence to the contrary in the
20 records of the Secretary of State.

21 (Source: P.A. 85-321.)

22 (625 ILCS 5/7-329) (from Ch. 95 1/2, par. 7-329)

23 Sec. 7-329. Proof of financial responsibility made
24 voluntarily. 1. Proof of financial responsibility may be
25 voluntarily by or on behalf of any person. The privilege of

1 operation of any motor vehicle within this State by such person
2 shall not be suspended or withdrawn under the provisions of
3 this Article if such proof of financial responsibility has been
4 voluntarily filed or deposited prior to the offense or crash
5 ~~accident~~ out of which any conviction, judgment, or order arises
6 and if such proof, at the date of such conviction, judgment, or
7 order, is valid and sufficient for the requirements of this
8 Code.

9 2. If the Secretary of State receives record of any
10 conviction or judgment against such person which, in the
11 absence of such proof of financial responsibility would have
12 caused the suspension of the driver's license of such person,
13 the Secretary of State shall forthwith notify the insurer or
14 surety of such person of the conviction or judgment so
15 reported.

16 (Source: P.A. 83-831.)

17 (625 ILCS 5/7-502) (from Ch. 95 1/2, par. 7-502)

18 Sec. 7-502. Self-insurers. Any person in whose name more
19 than 25 motor vehicles are registered may qualify as a
20 self-insurer by obtaining a certificate of self-insurance
21 issued by the Director of the Department of Insurance as
22 provided in this Section.

23 The Director may, in his discretion, upon the application
24 of such a person, issue a certificate of self-insurance when he
25 is satisfied that such person is possessed and will continue to

1 be possessed of ability to pay judgment obtained against such
2 person.

3 Upon not less than 5 days' notice, and a hearing pursuant
4 to such notice, the Director may upon reasonable grounds cancel
5 a certificate of self-insurance. Failure to pay any judgment
6 against any person covered by such certificate of
7 self-insurance and arising out of any crash ~~accident~~ in which a
8 motor vehicle covered by such certificate of self-insurance has
9 been involved within 30 days after such judgment shall have
10 become final shall constitute a reasonable ground for the
11 cancellation of a certificate of self-insurance.

12 (Source: P.A. 82-138.)

13 (625 ILCS 5/7-504)

14 Sec. 7-504. Emergency telephone system outages;
15 reimbursement. Any person who negligently causes a motor
16 vehicle crash ~~accident~~ that causes an emergency telephone
17 system outage must reimburse the public safety agency that
18 provides personnel to answer calls or to maintain or operate an
19 emergency telephone system during the outage for the agency's
20 costs associated with answering calls or maintaining or
21 operating the system during the outage. For the purposes of
22 this Section, "public safety agency" means the same as in
23 Section 2.02 of the Emergency Telephone System Act.

24 (Source: P.A. 92-149, eff. 1-1-02.)

1 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

2 Sec. 7-604. Verification of liability insurance policy.

3 (a) The Secretary of State may select random samples of
4 registrations of motor vehicles subject to Section 7-601 of
5 this Code, or owners thereof, for the purpose of verifying
6 whether or not the motor vehicles are insured.

7 In addition to such general random samples of motor vehicle
8 registrations, the Secretary may select for verification other
9 random samples, including, but not limited to registrations of
10 motor vehicles owned by persons:

11 (1) whose motor vehicle registrations during the
12 preceding 4 years have been suspended pursuant to Section
13 7-606 or 7-607 of this Code;

14 (2) who during the preceding 4 years have been
15 convicted of violating Section 3-707, 3-708, or 3-710 of
16 this Code while operating vehicles owned by other persons;

17 (3) whose driving privileges have been suspended
18 during the preceding 4 years;

19 (4) who during the preceding 4 years acquired ownership
20 of motor vehicles while the registrations of such vehicles
21 under the previous owners were suspended pursuant to
22 Section 7-606 or 7-607 of this Code; or

23 (5) who during the preceding 4 years have received a
24 disposition of supervision under subsection (c) of Section
25 5-6-1 of the Unified Code of Corrections for a violation of
26 Section 3-707, 3-708, or 3-710 of this Code.

1 (b) Upon receiving certification from the Department of
2 Transportation under Section 7-201.2 of this Code of the name
3 of an owner or operator of any motor vehicle involved in a
4 crash ~~an accident~~, the Secretary may verify whether or not at
5 the time of the crash ~~accident~~ such motor vehicle was covered
6 by a liability insurance policy in accordance with Section
7 7-601 of this Code.

8 (c) In preparation for selection of random samples and
9 their verification, the Secretary may send to owners of
10 randomly selected motor vehicles, or to randomly selected motor
11 vehicle owners, requests for information about their motor
12 vehicles and liability insurance coverage electronically or,
13 if electronic means are unavailable, via U.S. mail. The request
14 shall require the owner to state whether or not the motor
15 vehicle was insured on the verification date stated in the
16 Secretary's request and the request may require, but is not
17 limited to, a statement by the owner of the names and addresses
18 of insurers, policy numbers, and expiration dates of insurance
19 coverage.

20 (d) Within 30 days after the Secretary sends a request
21 under subsection (c) of this Section, the owner to whom it is
22 sent shall furnish the requested information to the Secretary
23 above the owner's signed affirmation that such information is
24 true and correct. Proof of insurance in effect on the
25 verification date, as prescribed by the Secretary, may be
26 considered by the Secretary to be a satisfactory response to

1 the request for information.

2 Any owner whose response indicates that his or her vehicle
3 was not covered by a liability insurance policy in accordance
4 with Section 7-601 of this Code shall be deemed to have
5 registered or maintained registration of a motor vehicle in
6 violation of that Section. Any owner who fails to respond to
7 such a request shall be deemed to have registered or maintained
8 registration of a motor vehicle in violation of Section 7-601
9 of this Code.

10 (e) If the owner responds to the request for information by
11 asserting that his or her vehicle was covered by a liability
12 insurance policy on the verification date stated in the
13 Secretary's request, the Secretary may conduct a verification
14 of the response by furnishing necessary information to the
15 insurer named in the response. The insurer shall within 45 days
16 inform the Secretary whether or not on the verification date
17 stated the motor vehicle was insured by the insurer in
18 accordance with Section 7-601 of this Code. The Secretary may
19 by rule and regulation prescribe the procedures for
20 verification.

21 (f) No random sample selected under this Section shall be
22 categorized on the basis of race, color, religion, sex,
23 national origin, ancestry, age, marital status, physical or
24 mental disability, economic status, or geography.

25 (g) (Blank).

26 (h) This Section shall be inoperative upon the effective

1 date of the rules adopted by the Secretary to implement Section
2 7-603.5 of this Code.

3 (Source: P.A. 99-333, eff. 12-30-15 (see Section 15 of P.A.
4 99-483 for the effective date of changes made by P.A. 99-333);
5 99-737, eff. 8-5-16; 100-145, eff. 1-1-18; 100-373, eff.
6 1-1-18; 100-863, eff. 8-14-18.)

7 (625 ILCS 5/9-105) (from Ch. 95 1/2, par. 9-105)

8 Sec. 9-105. Insurance policy as proof - requirements. A
9 motor vehicle liability policy in a solvent and responsible
10 company, authorized to do business in the State of Illinois,
11 providing that the insurance carrier will pay any judgment
12 within 30 days after it becomes final, recovered against the
13 customer or against any person operating the motor vehicle with
14 the customer's express or implied consent, for damage to
15 property other than to the rented motor vehicles, or for an
16 injury to or for the death of any person, including an occupant
17 of the rented motor vehicle, resulting from the operation of
18 the motor vehicle shall serve as proof of financial
19 responsibility; provided however, every such policy provides
20 insurance insuring the operator of the rented motor vehicle
21 against liability upon such insured to a minimum amount of
22 \$50,000 because of bodily injury to, or death of any one person
23 or damage to property and \$100,000 because of bodily injury to
24 or death of 2 or more persons in any one motor vehicle crash
25 accident.

1 (Source: P.A. 86-880.)

2 (625 ILCS 5/10-201) (from Ch. 95 1/2, par. 10-201)

3 Sec. 10-201. Liability for bodily injury to or death of
4 guest.

5 No person riding in or upon a motor vehicle or motorcycle
6 as a guest without payment for such ride and who has solicited
7 such ride in violation of Subsection (a) of Section 11-1006 of
8 this Act, nor his personal representative in the event of the
9 death of such guest, shall have a cause of action for damages
10 against the driver or operator of such motor vehicle or
11 motorcycle, or its owner or his employee or agent for injury,
12 death or loss, in case of a crash ~~accident~~, unless such crash
13 ~~accident~~ has been caused by the willful and wanton misconduct
14 of the driver or operator of such motor vehicle or motorcycle
15 or its owner or his employee or agent and unless such willful
16 and wanton misconduct contributed to the injury, death or loss
17 for which the action is brought.

18 Nothing contained in this section relieves a motor vehicle
19 or motorcycle carrier of passengers for hire of responsibility
20 for injury or death sustained by any passenger for hire.

21 This amendatory Act of 1971 shall apply only to causes of
22 action arising from crashes ~~accidents~~ occurring after its
23 effective date.

24 (Source: P.A. 77-1482.)

1 (625 ILCS 5/11-208.6)

2 Sec. 11-208.6. Automated traffic law enforcement system.

3 (a) As used in this Section, "automated traffic law
4 enforcement system" means a device with one or more motor
5 vehicle sensors working in conjunction with a red light signal
6 to produce recorded images of motor vehicles entering an
7 intersection against a red signal indication in violation of
8 Section 11-306 of this Code or a similar provision of a local
9 ordinance.

10 An automated traffic law enforcement system is a system, in
11 a municipality or county operated by a governmental agency,
12 that produces a recorded image of a motor vehicle's violation
13 of a provision of this Code or a local ordinance and is
14 designed to obtain a clear recorded image of the vehicle and
15 the vehicle's license plate. The recorded image must also
16 display the time, date, and location of the violation.

17 (b) As used in this Section, "recorded images" means images
18 recorded by an automated traffic law enforcement system on:

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

22 (4) a video recording showing the motor vehicle and, on
23 at least one image or portion of the recording, clearly
24 identifying the registration plate or digital registration
25 plate number of the motor vehicle.

26 (b-5) A municipality or county that produces a recorded

1 image of a motor vehicle's violation of a provision of this
2 Code or a local ordinance must make the recorded images of a
3 violation accessible to the alleged violator by providing the
4 alleged violator with a website address, accessible through the
5 Internet.

6 (c) Except as provided under Section 11-208.8 of this Code,
7 a county or municipality, including a home rule county or
8 municipality, may not use an automated traffic law enforcement
9 system to provide recorded images of a motor vehicle for the
10 purpose of recording its speed. Except as provided under
11 Section 11-208.8 of this Code, the regulation of the use of
12 automated traffic law enforcement systems to record vehicle
13 speeds is an exclusive power and function of the State. This
14 subsection (c) is a denial and limitation of home rule powers
15 and functions under subsection (h) of Section 6 of Article VII
16 of the Illinois Constitution.

17 (c-5) A county or municipality, including a home rule
18 county or municipality, may not use an automated traffic law
19 enforcement system to issue violations in instances where the
20 motor vehicle comes to a complete stop and does not enter the
21 intersection, as defined by Section 1-132 of this Code, during
22 the cycle of the red signal indication unless one or more
23 pedestrians or bicyclists are present, even if the motor
24 vehicle stops at a point past a stop line or crosswalk where a
25 driver is required to stop, as specified in subsection (c) of
26 Section 11-306 of this Code or a similar provision of a local

1 ordinance.

2 (c-6) A county, or a municipality with less than 2,000,000
3 inhabitants, including a home rule county or municipality, may
4 not use an automated traffic law enforcement system to issue
5 violations in instances where a motorcyclist enters an
6 intersection against a red signal indication when the red
7 signal fails to change to a green signal within a reasonable
8 period of time not less than 120 seconds because of a signal
9 malfunction or because the signal has failed to detect the
10 arrival of the motorcycle due to the motorcycle's size or
11 weight.

12 (d) For each violation of a provision of this Code or a
13 local ordinance recorded by an automatic traffic law
14 enforcement system, the county or municipality having
15 jurisdiction shall issue a written notice of the violation to
16 the registered owner of the vehicle as the alleged violator.
17 The notice shall be delivered to the registered owner of the
18 vehicle, by mail, within 30 days after the Secretary of State
19 notifies the municipality or county of the identity of the
20 owner of the vehicle, but in no event later than 90 days after
21 the violation.

22 The notice shall include:

23 (1) the name and address of the registered owner of the
24 vehicle;

25 (2) the registration number of the motor vehicle
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the
6 requirements of any traffic education program imposed and
7 the date by which the civil penalty should be paid and the
8 traffic education program should be completed;
- 9 (8) a statement that recorded images are evidence of a
10 violation of a red light signal;
- 11 (9) a warning that failure to pay the civil penalty, to
12 complete a required traffic education program, or to
13 contest liability in a timely manner is an admission of
14 liability and may result in a suspension of the driving
15 privileges of the registered owner of the vehicle;
- 16 (10) a statement that the person may elect to proceed
17 by:
- 18 (A) paying the fine, completing a required traffic
19 education program, or both; or
- 20 (B) challenging the charge in court, by mail, or by
21 administrative hearing; and
- 22 (11) a website address, accessible through the
23 Internet, where the person may view the recorded images of
24 the violation.
- 25 (e) If a person charged with a traffic violation, as a
26 result of an automated traffic law enforcement system, does not

1 pay the fine or complete a required traffic education program,
2 or both, or successfully contest the civil penalty resulting
3 from that violation, the Secretary of State shall suspend the
4 driving privileges of the registered owner of the vehicle under
5 Section 6-306.5 of this Code for failing to complete a required
6 traffic education program or to pay any fine or penalty due and
7 owing, or both, as a result of a combination of 5 violations of
8 the automated traffic law enforcement system or the automated
9 speed enforcement system under Section 11-208.8 of this Code.

10 (f) Based on inspection of recorded images produced by an
11 automated traffic law enforcement system, a notice alleging
12 that the violation occurred shall be evidence of the facts
13 contained in the notice and admissible in any proceeding
14 alleging a violation under this Section.

15 (g) Recorded images made by an automatic traffic law
16 enforcement system are confidential and shall be made available
17 only to the alleged violator and governmental and law
18 enforcement agencies for purposes of adjudicating a violation
19 of this Section, for statistical purposes, or for other
20 governmental purposes. Any recorded image evidencing a
21 violation of this Section, however, may be admissible in any
22 proceeding resulting from the issuance of the citation.

23 (h) The court or hearing officer may consider in defense of
24 a violation:

- 25 (1) that the motor vehicle or registration plates or
26 digital registration plates of the motor vehicle were

1 stolen before the violation occurred and not under the
2 control of or in the possession of the owner at the time of
3 the violation;

4 (2) that the driver of the vehicle passed through the
5 intersection when the light was red either (i) in order to
6 yield the right-of-way to an emergency vehicle or (ii) as
7 part of a funeral procession; and

8 (3) any other evidence or issues provided by municipal
9 or county ordinance.

10 (i) To demonstrate that the motor vehicle or the
11 registration plates or digital registration plates were stolen
12 before the violation occurred and were not under the control or
13 possession of the owner at the time of the violation, the owner
14 must submit proof that a report concerning the stolen motor
15 vehicle or registration plates was filed with a law enforcement
16 agency in a timely manner.

17 (j) Unless the driver of the motor vehicle received a
18 Uniform Traffic Citation from a police officer at the time of
19 the violation, the motor vehicle owner is subject to a civil
20 penalty not exceeding \$100 or the completion of a traffic
21 education program, or both, plus an additional penalty of not
22 more than \$100 for failure to pay the original penalty or to
23 complete a required traffic education program, or both, in a
24 timely manner, if the motor vehicle is recorded by an automated
25 traffic law enforcement system. A violation for which a civil
26 penalty is imposed under this Section is not a violation of a

1 traffic regulation governing the movement of vehicles and may
2 not be recorded on the driving record of the owner of the
3 vehicle.

4 (j-3) A registered owner who is a holder of a valid
5 commercial driver's license is not required to complete a
6 traffic education program.

7 (j-5) For purposes of the required traffic education
8 program only, a registered owner may submit an affidavit to the
9 court or hearing officer swearing that at the time of the
10 alleged violation, the vehicle was in the custody and control
11 of another person. The affidavit must identify the person in
12 custody and control of the vehicle, including the person's name
13 and current address. The person in custody and control of the
14 vehicle at the time of the violation is required to complete
15 the required traffic education program. If the person in
16 custody and control of the vehicle at the time of the violation
17 completes the required traffic education program, the
18 registered owner of the vehicle is not required to complete a
19 traffic education program.

20 (k) An intersection equipped with an automated traffic law
21 enforcement system must be posted with a sign visible to
22 approaching traffic indicating that the intersection is being
23 monitored by an automated traffic law enforcement system.

24 (k-3) A municipality or county that has one or more
25 intersections equipped with an automated traffic law
26 enforcement system must provide notice to drivers by posting

1 the locations of automated traffic law systems on the
2 municipality or county website.

3 (k-5) An intersection equipped with an automated traffic
4 law enforcement system must have a yellow change interval that
5 conforms with the Illinois Manual on Uniform Traffic Control
6 Devices (IMUTCD) published by the Illinois Department of
7 Transportation.

8 (k-7) A municipality or county operating an automated
9 traffic law enforcement system shall conduct a statistical
10 analysis to assess the safety impact of each automated traffic
11 law enforcement system at an intersection following
12 installation of the system. The statistical analysis shall be
13 based upon the best available crash, traffic, and other data,
14 and shall cover a period of time before and after installation
15 of the system sufficient to provide a statistically valid
16 comparison of safety impact. The statistical analysis shall be
17 consistent with professional judgment and acceptable industry
18 practice. The statistical analysis also shall be consistent
19 with the data required for valid comparisons of before and
20 after conditions and shall be conducted within a reasonable
21 period following the installation of the automated traffic law
22 enforcement system. The statistical analysis required by this
23 subsection (k-7) shall be made available to the public and
24 shall be published on the website of the municipality or
25 county. If the statistical analysis for the 36 month period
26 following installation of the system indicates that there has

1 been an increase in the rate of crashes ~~accidents~~ at the
2 approach to the intersection monitored by the system, the
3 municipality or county shall undertake additional studies to
4 determine the cause and severity of the crashes ~~accidents~~, and
5 may take any action that it determines is necessary or
6 appropriate to reduce the number or severity of the crashes
7 ~~accidents~~ at that intersection.

8 (l) The compensation paid for an automated traffic law
9 enforcement system must be based on the value of the equipment
10 or the services provided and may not be based on the number of
11 traffic citations issued or the revenue generated by the
12 system.

13 (m) This Section applies only to the counties of Cook,
14 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
15 to municipalities located within those counties.

16 (n) The fee for participating in a traffic education
17 program under this Section shall not exceed \$25.

18 A low-income individual required to complete a traffic
19 education program under this Section who provides proof of
20 eligibility for the federal earned income tax credit under
21 Section 32 of the Internal Revenue Code or the Illinois earned
22 income tax credit under Section 212 of the Illinois Income Tax
23 Act shall not be required to pay any fee for participating in a
24 required traffic education program.

25 (o) A municipality or county shall make a certified report
26 to the Secretary of State pursuant to Section 6-306.5 of this

1 Code whenever a registered owner of a vehicle has failed to pay
2 any fine or penalty due and owing as a result of a combination
3 of 5 offenses for automated traffic law or speed enforcement
4 system violations.

5 (p) No person who is the lessor of a motor vehicle pursuant
6 to a written lease agreement shall be liable for an automated
7 speed or traffic law enforcement system violation involving
8 such motor vehicle during the period of the lease; provided
9 that upon the request of the appropriate authority received
10 within 120 days after the violation occurred, the lessor
11 provides within 60 days after such receipt the name and address
12 of the lessee. The drivers license number of a lessee may be
13 subsequently individually requested by the appropriate
14 authority if needed for enforcement of this Section.

15 Upon the provision of information by the lessor pursuant to
16 this subsection, the county or municipality may issue the
17 violation to the lessee of the vehicle in the same manner as it
18 would issue a violation to a registered owner of a vehicle
19 pursuant to this Section, and the lessee may be held liable for
20 the violation.

21 (Source: P.A. 101-395, eff. 8-16-19.)

22 (625 ILCS 5/11-208.9)

23 Sec. 11-208.9. Automated traffic law enforcement system;
24 approaching, overtaking, and passing a school bus.

25 (a) As used in this Section, "automated traffic law

1 enforcement system" means a device with one or more motor
2 vehicle sensors working in conjunction with the visual signals
3 on a school bus, as specified in Sections 12-803 and 12-805 of
4 this Code, to produce recorded images of motor vehicles that
5 fail to stop before meeting or overtaking, from either
6 direction, any school bus stopped at any location for the
7 purpose of receiving or discharging pupils in violation of
8 Section 11-1414 of this Code or a similar provision of a local
9 ordinance.

10 An automated traffic law enforcement system is a system, in
11 a municipality or county operated by a governmental agency,
12 that produces a recorded image of a motor vehicle's violation
13 of a provision of this Code or a local ordinance and is
14 designed to obtain a clear recorded image of the vehicle and
15 the vehicle's license plate. The recorded image must also
16 display the time, date, and location of the violation.

17 (b) As used in this Section, "recorded images" means images
18 recorded by an automated traffic law enforcement system on:

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

22 (4) a video recording showing the motor vehicle and, on
23 at least one image or portion of the recording, clearly
24 identifying the registration plate or digital registration
25 plate number of the motor vehicle.

26 (c) A municipality or county that produces a recorded image

1 of a motor vehicle's violation of a provision of this Code or a
2 local ordinance must make the recorded images of a violation
3 accessible to the alleged violator by providing the alleged
4 violator with a website address, accessible through the
5 Internet.

6 (d) For each violation of a provision of this Code or a
7 local ordinance recorded by an automated traffic law
8 enforcement system, the county or municipality having
9 jurisdiction shall issue a written notice of the violation to
10 the registered owner of the vehicle as the alleged violator.
11 The notice shall be delivered to the registered owner of the
12 vehicle, by mail, within 30 days after the Secretary of State
13 notifies the municipality or county of the identity of the
14 owner of the vehicle, but in no event later than 90 days after
15 the violation.

16 (e) The notice required under subsection (d) shall include:

17 (1) the name and address of the registered owner of the
18 vehicle;

19 (2) the registration number of the motor vehicle
20 involved in the violation;

21 (3) the violation charged;

22 (4) the location where the violation occurred;

23 (5) the date and time of the violation;

24 (6) a copy of the recorded images;

25 (7) the amount of the civil penalty imposed and the
26 date by which the civil penalty should be paid;

1 (8) a statement that recorded images are evidence of a
2 violation of overtaking or passing a school bus stopped for
3 the purpose of receiving or discharging pupils;

4 (9) a warning that failure to pay the civil penalty or
5 to contest liability in a timely manner is an admission of
6 liability and may result in a suspension of the driving
7 privileges of the registered owner of the vehicle;

8 (10) a statement that the person may elect to proceed
9 by:

10 (A) paying the fine; or

11 (B) challenging the charge in court, by mail, or by
12 administrative hearing; and

13 (11) a website address, accessible through the
14 Internet, where the person may view the recorded images of
15 the violation.

16 (f) If a person charged with a traffic violation, as a
17 result of an automated traffic law enforcement system under
18 this Section, does not pay the fine or successfully contest the
19 civil penalty resulting from that violation, the Secretary of
20 State shall suspend the driving privileges of the registered
21 owner of the vehicle under Section 6-306.5 of this Code for
22 failing to pay any fine or penalty due and owing as a result of
23 a combination of 5 violations of the automated traffic law
24 enforcement system or the automated speed enforcement system
25 under Section 11-208.8 of this Code.

26 (g) Based on inspection of recorded images produced by an

1 automated traffic law enforcement system, a notice alleging
2 that the violation occurred shall be evidence of the facts
3 contained in the notice and admissible in any proceeding
4 alleging a violation under this Section.

5 (h) Recorded images made by an automated traffic law
6 enforcement system are confidential and shall be made available
7 only to the alleged violator and governmental and law
8 enforcement agencies for purposes of adjudicating a violation
9 of this Section, for statistical purposes, or for other
10 governmental purposes. Any recorded image evidencing a
11 violation of this Section, however, may be admissible in any
12 proceeding resulting from the issuance of the citation.

13 (i) The court or hearing officer may consider in defense of
14 a violation:

15 (1) that the motor vehicle or registration plates or
16 digital registration plates of the motor vehicle were
17 stolen before the violation occurred and not under the
18 control of or in the possession of the owner at the time of
19 the violation;

20 (2) that the driver of the motor vehicle received a
21 Uniform Traffic Citation from a police officer for a
22 violation of Section 11-1414 of this Code within one-eighth
23 of a mile and 15 minutes of the violation that was recorded
24 by the system;

25 (3) that the visual signals required by Sections 12-803
26 and 12-805 of this Code were damaged, not activated, not

1 present in violation of Sections 12-803 and 12-805, or
2 inoperable; and

3 (4) any other evidence or issues provided by municipal
4 or county ordinance.

5 (j) To demonstrate that the motor vehicle or the
6 registration plates or digital registration plates were stolen
7 before the violation occurred and were not under the control or
8 possession of the owner at the time of the violation, the owner
9 must submit proof that a report concerning the stolen motor
10 vehicle or registration plates was filed with a law enforcement
11 agency in a timely manner.

12 (k) Unless the driver of the motor vehicle received a
13 Uniform Traffic Citation from a police officer at the time of
14 the violation, the motor vehicle owner is subject to a civil
15 penalty not exceeding \$150 for a first time violation or \$500
16 for a second or subsequent violation, plus an additional
17 penalty of not more than \$100 for failure to pay the original
18 penalty in a timely manner, if the motor vehicle is recorded by
19 an automated traffic law enforcement system. A violation for
20 which a civil penalty is imposed under this Section is not a
21 violation of a traffic regulation governing the movement of
22 vehicles and may not be recorded on the driving record of the
23 owner of the vehicle, but may be recorded by the municipality
24 or county for the purpose of determining if a person is subject
25 to the higher fine for a second or subsequent offense.

26 (l) A school bus equipped with an automated traffic law

1 enforcement system must be posted with a sign indicating that
2 the school bus is being monitored by an automated traffic law
3 enforcement system.

4 (m) A municipality or county that has one or more school
5 buses equipped with an automated traffic law enforcement system
6 must provide notice to drivers by posting a list of school
7 districts using school buses equipped with an automated traffic
8 law enforcement system on the municipality or county website.
9 School districts that have one or more school buses equipped
10 with an automated traffic law enforcement system must provide
11 notice to drivers by posting that information on their
12 websites.

13 (n) A municipality or county operating an automated traffic
14 law enforcement system shall conduct a statistical analysis to
15 assess the safety impact in each school district using school
16 buses equipped with an automated traffic law enforcement system
17 following installation of the system. The statistical analysis
18 shall be based upon the best available crash, traffic, and
19 other data, and shall cover a period of time before and after
20 installation of the system sufficient to provide a
21 statistically valid comparison of safety impact. The
22 statistical analysis shall be consistent with professional
23 judgment and acceptable industry practice. The statistical
24 analysis also shall be consistent with the data required for
25 valid comparisons of before and after conditions and shall be
26 conducted within a reasonable period following the

1 installation of the automated traffic law enforcement system.
2 The statistical analysis required by this subsection shall be
3 made available to the public and shall be published on the
4 website of the municipality or county. If the statistical
5 analysis for the 36-month period following installation of the
6 system indicates that there has been an increase in the rate of
7 crashes ~~accidents~~ at the approach to school buses monitored by
8 the system, the municipality or county shall undertake
9 additional studies to determine the cause and severity of the
10 crashes ~~accidents~~, and may take any action that it determines
11 is necessary or appropriate to reduce the number or severity of
12 the crashes ~~accidents~~ involving school buses equipped with an
13 automated traffic law enforcement system.

14 (o) The compensation paid for an automated traffic law
15 enforcement system must be based on the value of the equipment
16 or the services provided and may not be based on the number of
17 traffic citations issued or the revenue generated by the
18 system.

19 (p) No person who is the lessor of a motor vehicle pursuant
20 to a written lease agreement shall be liable for an automated
21 speed or traffic law enforcement system violation involving
22 such motor vehicle during the period of the lease; provided
23 that upon the request of the appropriate authority received
24 within 120 days after the violation occurred, the lessor
25 provides within 60 days after such receipt the name and address
26 of the lessee. The drivers license number of a lessee may be

1 subsequently individually requested by the appropriate
2 authority if needed for enforcement of this Section.

3 Upon the provision of information by the lessor pursuant to
4 this subsection, the county or municipality may issue the
5 violation to the lessee of the vehicle in the same manner as it
6 would issue a violation to a registered owner of a vehicle
7 pursuant to this Section, and the lessee may be held liable for
8 the violation.

9 (q) A municipality or county shall make a certified report
10 to the Secretary of State pursuant to Section 6-306.5 of this
11 Code whenever a registered owner of a vehicle has failed to pay
12 any fine or penalty due and owing as a result of a combination
13 of 5 offenses for automated traffic law or speed enforcement
14 system violations.

15 (r) After a municipality or county enacts an ordinance
16 providing for automated traffic law enforcement systems under
17 this Section, each school district within that municipality or
18 county's jurisdiction may implement an automated traffic law
19 enforcement system under this Section. The elected school board
20 for that district must approve the implementation of an
21 automated traffic law enforcement system. The school district
22 shall be responsible for entering into a contract, approved by
23 the elected school board of that district, with vendors for the
24 installation, maintenance, and operation of the automated
25 traffic law enforcement system. The school district must enter
26 into an intergovernmental agreement, approved by the elected

1 school board of that district, with the municipality or county
2 with jurisdiction over that school district for the
3 administration of the automated traffic law enforcement
4 system. The proceeds from a school district's automated traffic
5 law enforcement system's fines shall be divided equally between
6 the school district and the municipality or county
7 administering the automated traffic law enforcement system.

8 (Source: P.A. 101-395, eff. 8-16-19.)

9 (625 ILCS 5/Ch. 11 Art. IV heading)

10 ARTICLE IV. CRASHES ~~ACCIDENTS~~

11 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

12 Sec. 11-401. Motor vehicle crashes ~~accidents~~ involving
13 death or personal injuries.

14 (a) The driver of any vehicle involved in a motor vehicle
15 crashes ~~accident~~ resulting in personal injury to or death of
16 any person shall immediately stop such vehicle at the scene of
17 such crash ~~accident~~, or as close thereto as possible and shall
18 then forthwith return to, and in every event shall remain at
19 the scene of the crash ~~accident~~ until the requirements of
20 Section 11-403 have been fulfilled. Every such stop shall be
21 made without obstructing traffic more than is necessary.

22 (b) Any person who has failed to stop or to comply with the
23 requirements of paragraph (a) shall, as soon as possible but in
24 no case later than one-half hour after such motor vehicle crash

1 ~~accident~~, or, if hospitalized and incapacitated from reporting
2 at any time during such period, as soon as possible but in no
3 case later than one-half hour after being discharged from the
4 hospital, report the place of the crash ~~accident~~, the date, the
5 approximate time, the driver's name and address, the
6 registration number of the vehicle driven, and the names of all
7 other occupants of such vehicle, at a police station or
8 sheriff's office near the place where such crash ~~accident~~
9 occurred. No report made as required under this paragraph shall
10 be used, directly or indirectly, as a basis for the prosecution
11 of any violation of paragraph (a).

12 (b-1) Any person arrested for violating this Section is
13 subject to chemical testing of his or her blood, breath, other
14 bodily substance, or urine for the presence of alcohol, other
15 drug or drugs, intoxicating compound or compounds, or any
16 combination thereof, as provided in Section 11-501.1, if the
17 testing occurs within 12 hours of the time of the occurrence of
18 the crash ~~accident~~ that led to his or her arrest. The person's
19 driving privileges are subject to statutory summary suspension
20 under Section 11-501.1 if he or she fails testing or statutory
21 summary revocation under Section 11-501.1 if he or she refuses
22 to undergo the testing.

23 For purposes of this Section, personal injury shall mean
24 any injury requiring immediate professional treatment in a
25 medical facility or doctor's office.

26 (c) Any person failing to comply with paragraph (a) shall

1 be guilty of a Class 4 felony.

2 (d) Any person failing to comply with paragraph (b) is
3 guilty of a Class 2 felony if the motor vehicle crash ~~accident~~
4 does not result in the death of any person. Any person failing
5 to comply with paragraph (b) when the crash ~~accident~~ results in
6 the death of any person is guilty of a Class 1 felony.

7 (e) The Secretary of State shall revoke the driving
8 privilege of any person convicted of a violation of this
9 Section.

10 (Source: P.A. 99-697, eff. 7-29-16.)

11 (625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

12 Sec. 11-402. Motor vehicle crash ~~accident~~ involving damage
13 to vehicle.

14 (a) The driver of any vehicle involved in a motor vehicle
15 crash ~~accident~~ resulting only in damage to a vehicle which is
16 driven or attended by any person shall immediately stop such
17 vehicle at the scene of such motor vehicle crash ~~accident~~ or as
18 close thereto as possible, but shall forthwith return to and in
19 every event shall remain at the scene of such motor vehicle
20 crash ~~accident~~ until the requirements of Section 11-403 have
21 been fulfilled. A driver does not violate this Section if the
22 driver moves the vehicle as soon as possible off the highway to
23 the nearest safe location on an exit ramp shoulder, a frontage
24 road, the nearest suitable cross street, or other suitable
25 location that does not obstruct traffic and remains at that

1 location until the driver has fulfilled the requirements of
2 Section 11-403. Every such stop shall be made without
3 obstructing traffic more than is necessary. If a damaged
4 vehicle is obstructing traffic lanes, the driver of the vehicle
5 must make every reasonable effort to move the vehicle or have
6 it moved so as not to block the traffic lanes.

7 Any person failing to comply with this Section shall be
8 guilty of a Class A misdemeanor.

9 (b) Upon conviction of a violation of this Section, the
10 court shall make a finding as to whether the damage to a
11 vehicle is in excess of \$1,000, and in such case a statement of
12 this finding shall be reported to the Secretary of State with
13 the report of conviction as required by Section 6-204 of this
14 Code. Upon receipt of such report of conviction and statement
15 of finding that the damage to a vehicle is in excess of \$1,000,
16 the Secretary of State shall suspend the driver's license or
17 any nonresident's driving privilege.

18 (c) If any peace officer or highway authority official
19 finds (i) a vehicle standing upon a highway or toll highway in
20 violation of a prohibition, limitation, or restriction on
21 stopping, standing, or parking imposed under this Code or (ii)
22 a disabled vehicle that obstructs the roadway of a highway or
23 toll highway, the peace officer or highway authority official
24 is authorized to move the vehicle or to require the operator of
25 the vehicle to move the vehicle to the shoulder of the road, to
26 a position where parking is permitted, or to public parking or

1 storage premises. The removal may be performed by, or under the
2 direction of, the peace officer or highway authority official
3 or may be contracted for by local authorities. After the
4 vehicle has been removed, the peace officer or highway
5 authority official shall follow appropriate procedures, as
6 provided in Section 4-203 of this Code.

7 (d) A towing service, its officers, and its employees are
8 not liable for loss of or damages to any real or personal
9 property that occurs as the result of the removal or towing of
10 any vehicle under subsection (c), as provided in subsection (b)
11 of Section 4-213.

12 (Source: P.A. 97-763, eff. 1-1-13.)

13 (625 ILCS 5/11-403) (from Ch. 95 1/2, par. 11-403)

14 Sec. 11-403. Duty to give information and render aid. The
15 driver of any vehicle involved in a motor vehicle crash
16 ~~accident~~ resulting in injury to or death of any person or
17 damage to any vehicle which is driven or attended by any person
18 shall give the driver's name, address, registration number and
19 owner of the vehicle the driver is operating and shall upon
20 request and if available exhibit such driver's license to the
21 person struck or the driver or occupant of or person attending
22 any vehicle collided with and shall render to any person
23 injured in such crash ~~accident~~ reasonable assistance,
24 including the carrying or the making of arrangements for the
25 carrying of such person to a physician, surgeon or hospital for

1 medical or surgical treatment, if it is apparent that such
2 treatment is necessary or if such carrying is requested by the
3 injured person.

4 If none of the persons entitled to information pursuant to
5 this Section is in condition to receive and understand such
6 information and no police officer is present, such driver after
7 rendering reasonable assistance shall forthwith report such
8 motor vehicle crash ~~accident~~ at the nearest office of a duly
9 authorized police authority, disclosing the information
10 required by this Section.

11 Any person failing to comply with this Section shall be
12 guilty of a Class A misdemeanor.

13 (Source: P.A. 83-831.)

14 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

15 Sec. 11-404. Duty upon damaging unattended vehicle or other
16 property.

17 (a) The driver of any vehicle which collides with or is
18 involved in a motor vehicle crash ~~accident~~ with any vehicle
19 which is unattended, or other property, resulting in any damage
20 to such other vehicle or property shall immediately stop and
21 shall then and there either locate and notify the operator or
22 owner of such vehicle or other property of the driver's name,
23 address, registration number and owner of the vehicle the
24 driver was operating or shall attach securely in a conspicuous
25 place on or in the vehicle or other property struck a written

1 notice giving the driver's name, address, registration number
2 and owner of the vehicle the driver was driving and shall
3 without unnecessary delay notify the nearest office of a duly
4 authorized police authority and shall make a written report of
5 such crash ~~accident~~ when and as required in Section 11-406.
6 Every such stop shall be made without obstructing traffic more
7 than is necessary. If a damaged vehicle is obstructing traffic
8 lanes, the driver of the vehicle must make every reasonable
9 effort to move the vehicle or have it moved so as not to block
10 the traffic lanes.

11 (b) Any person failing to comply with this Section shall be
12 guilty of a Class A misdemeanor.

13 (c) If any peace officer or highway authority official
14 finds (i) a vehicle standing upon a highway or toll highway in
15 violation of a prohibition, limitation, or restriction on
16 stopping, standing, or parking imposed under this Code or (ii)
17 a disabled vehicle that obstructs the roadway of a highway or
18 toll highway, the peace officer or highway authority official
19 is authorized to move the vehicle or to require the operator of
20 the vehicle to move the vehicle to the shoulder of the road, to
21 a position where parking is permitted, or to public parking or
22 storage premises. The removal may be performed by, or under the
23 direction of, the peace officer or highway authority official
24 or may be contracted for by local authorities. After the
25 vehicle has been removed, the peace officer or highway
26 authority official shall follow appropriate procedures, as

1 provided in Section 4-203 of this Code.

2 (d) A towing service, its officers, and its employees are
3 not liable for loss of or damages to any real or personal
4 property that occurs as the result of the removal or towing of
5 any vehicle under subsection (c), as provided in subsection (b)
6 of Section 4-213.

7 (Source: P.A. 95-407, eff. 1-1-08.)

8 (625 ILCS 5/11-406) (from Ch. 95 1/2, par. 11-406)

9 Sec. 11-406. Duty to report crash ~~accident~~.

10 (a) The driver of a vehicle that is in any manner involved
11 in a crash ~~an accident~~ within this State, resulting in injury
12 to or death of any person, or in which damage to the property
13 of any one person, including himself, in excess of \$1,500 (or
14 \$500 if any of the vehicles involved in the crash ~~accident~~ is
15 subject to Section 7-601 but is not covered by a liability
16 insurance policy in accordance with Section 7-601) is
17 sustained, shall, as soon as possible but not later than 10
18 days after the crash ~~accident~~, forward a written report of the
19 crash ~~accident~~ to the Administrator.

20 (b) Whenever a school bus is involved in a crash ~~an~~
21 ~~accident~~ in this State, caused by a collision, a sudden stop or
22 otherwise, resulting in any property damage, personal injury or
23 death and whenever a crash ~~an accident~~ occurs within 50 feet of
24 a school bus in this State resulting in personal injury to or
25 the death of any person while awaiting or preparing to board

1 the bus or immediately after exiting the bus, the driver shall
2 as soon as possible but not later than 10 days after the crash
3 ~~accident~~, forward a written report to the Department of
4 Transportation. If a report is also required under Subsection
5 (a) of this Section, that report and the report required by
6 this Subsection shall be submitted on a single form.

7 (c) The Administrator may require any driver, occupant or
8 owner of a vehicle involved in a crash ~~an accident~~ of which
9 report must be made as provided in this Section or Section
10 11-410 of this Chapter to file supplemental reports whenever
11 the original report is insufficient in the opinion of the
12 Secretary of State or the Administrator, and may require
13 witnesses of the crash ~~accident~~ to submit written reports to
14 the Administrator. The report may include photographs, charts,
15 sketches, and graphs.

16 (d) Should the Administrator learn through other reports of
17 crashes ~~accidents~~ required by law of the occurrence of a crash
18 ~~an accident~~ reportable under this Article and the driver,
19 owner, or witness has not reported as required under
20 Subsections (a), (b) or (c) of this Section or Section 11-410,
21 within the time specified, the person is not relieved of the
22 responsibility and the Administrator shall notify the person by
23 first class mail directed to his last known address of his
24 legal obligation. However, the notification is not a condition
25 precedent to impose the penalty for failure to report as
26 provided in Subsection (e).

1 (e) The Secretary of State shall suspend the driver's
2 license or any non-resident's driving privilege of any person
3 who fails or neglects to make report of a traffic crash
4 ~~accident~~ as required or as required by any other law of this
5 State.

6 (Source: P.A. 95-754, eff. 1-1-09.)

7 (625 ILCS 5/11-407) (from Ch. 95 1/2, par. 11-407)

8 Sec. 11-407. Immediate notice of crash ~~accident~~.

9 (a) The driver of a vehicle which is in any manner involved
10 in a crash ~~an accident~~ described in Section 11-406 of this
11 Chapter shall, if no police officer is present, give notice of
12 the crash ~~accident~~ by the fastest available means of
13 communication to the local police department if such crash
14 ~~accident~~ occurs within a municipality or otherwise to the
15 nearest office of the county sheriff or nearest headquarters of
16 the Illinois State Police.

17 (b) Whenever the driver of a vehicle is physically
18 incapable of giving immediate notice of a crash ~~an accident~~ as
19 required in Subsection (a) and there was another occupant in
20 the vehicle at the time of the crash ~~accident~~ capable of doing
21 so, that occupant must give notice as required in Subsection
22 (a).

23 (Source: P.A. 76-2163.)

24 (625 ILCS 5/11-408) (from Ch. 95 1/2, par. 11-408)

1 Sec. 11-408. Police to report motor vehicle crash ~~accident~~
2 investigations.

3 (a) Every law enforcement officer who investigates a motor
4 vehicle crash ~~accident~~ for which a report is required by this
5 Article or who prepares a written report as a result of an
6 investigation either at the time and scene of such motor
7 vehicle crash ~~accident~~ or thereafter by interviewing
8 participants or witnesses shall forward a written report of
9 such motor vehicle crash ~~accident~~ to the Administrator on forms
10 provided by the Administrator under Section 11-411 within 10
11 days after investigation of the motor vehicle crash ~~accident~~,
12 or within such other time as is prescribed by the
13 Administrator. Such written reports and the information
14 contained in those reports required to be forwarded by law
15 enforcement officers shall not be held confidential by the
16 reporting law enforcement officer or agency. The Secretary of
17 State may also disclose notations of crash ~~accident~~ involvement
18 maintained on individual driving records. However, the
19 Administrator or the Secretary of State may require a
20 supplemental written report from the reporting law enforcement
21 officer.

22 (b) The Department at its discretion may require a
23 supplemental written report from the reporting law enforcement
24 officer on a form supplied by the Department to be submitted
25 directly to the Department. Such supplemental report may be
26 used only for crash ~~accident~~ studies and statistical or

1 analytical purposes under Section 11-412 or 11-414 of this
2 Code.

3 (c) The Department at its discretion may provide for
4 in-depth investigations of crashes ~~accidents~~ involving
5 Department employees or other motor vehicle crashes ~~accidents~~
6 by individuals or special investigation groups, including but
7 not limited to police officers, photographers, engineers,
8 doctors, mechanics, and as a result of the investigation may
9 require the submission of written reports, photographs,
10 charts, sketches, graphs, or a combination of all. Such
11 individual written reports, photographs, charts, sketches, or
12 graphs may be used only for crash ~~accident~~ studies and
13 statistical or analytical purposes under Section 11-412 or
14 11-414 of this Code.

15 (d) On and after July 1, 1997, law enforcement officers who
16 have reason to suspect that the motor vehicle crash ~~accident~~
17 was the result of a driver's loss of consciousness due to a
18 medical condition, as defined by the Driver's License Medical
19 Review Law of 1992, or the result of any medical condition that
20 impaired the driver's ability to safely operate a motor vehicle
21 shall notify the Secretary of this determination. The
22 Secretary, in conjunction with the Driver's License Medical
23 Advisory Board, shall determine by administrative rule the
24 temporary conditions not required to be reported under the
25 provisions of this Section. The Secretary shall, in conjunction
26 with the Illinois State Police and representatives of local and

1 county law enforcement agencies, promulgate any rules
2 necessary and develop the procedures and documents that may be
3 required to obtain written, electronic, or other agreed upon
4 methods of notification to implement the provisions of this
5 Section.

6 (e) Law enforcement officers reporting under the
7 provisions of subsection (d) of this Section shall enjoy the
8 same immunities granted members of the Driver's License Medical
9 Advisory Board under Section 6-910 of this Code.

10 (f) All information furnished to the Secretary under
11 subsection (d) of this Section shall be deemed confidential and
12 for the privileged use of the Secretary in accordance with the
13 provisions of subsection (j) of Section 2-123 of this Code.

14 (Source: P.A. 100-96, eff. 1-1-18.)

15 (625 ILCS 5/11-409) (from Ch. 95 1/2, par. 11-409)

16 Sec. 11-409. False motor vehicle crash ~~accident~~ reports or
17 notices. Any person who provides information in an oral or
18 written report required by this Code with knowledge or reason
19 to believe that such information is false shall be guilty of a
20 Class C misdemeanor.

21 (Source: P.A. 83-831.)

22 (625 ILCS 5/11-410) (from Ch. 95 1/2, par. 11-410)

23 Sec. 11-410. When driver fails to report a motor vehicle
24 crash ~~accident~~. Whenever the driver of a vehicle is physically

1 incapable of making a required written crash ~~accident~~ report
2 and if there was another occupant in the vehicle at the time of
3 the motor vehicle crash ~~accident~~ capable of making a written
4 report, such occupant shall make or cause to be made such
5 written report. If said driver fails for any reason to make
6 such report, the owner of the vehicle involved in such motor
7 vehicle crash ~~accident~~, shall, as soon as practicable, make
8 said report to the Administrator.

9 (Source: P.A. 83-831.)

10 (625 ILCS 5/11-411) (from Ch. 95 1/2, par. 11-411)

11 Sec. 11-411. Crash ~~Accident~~ report forms.

12 (a) The Administrator must prepare and upon request supply
13 to police departments, sheriffs and other appropriate agencies
14 or individuals, forms for written crash ~~accident~~ reports as
15 required hereunder, suitable with respect to the persons
16 required to make such reports and the purposes to be served.
17 The written reports must call for sufficiently detailed
18 information to disclose with reference to a vehicle crash
19 ~~accident~~ the cause, conditions then existing, and the persons
20 and vehicles involved or any other data concerning such crash
21 ~~accident~~ that may be required for a complete analysis of all
22 related circumstances and events leading to the crash ~~accident~~
23 or subsequent to the occurrence.

24 (b) Every crash ~~accident~~ report required to be made in
25 writing must be made on an approved form or in an approved

1 electronic format provided by the Administrator and must
2 contain all the information required therein unless that
3 information is not available. The Department shall adopt any
4 rules necessary to implement this subsection (b).

5 (c) Should special crash ~~accident~~ studies be required by
6 the Administrator, the Administrator may provide the
7 supplemental forms for the special studies.

8 (Source: P.A. 100-96, eff. 1-1-18.)

9 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)

10 Sec. 11-412. Motor vehicle crash ~~accident~~ reports
11 confidential.

12 (a) All required written motor vehicle crash ~~accident~~
13 reports and supplemental reports shall be without prejudice to
14 the individual so reporting and shall be for the confidential
15 use of the Department and the Secretary of State and, in the
16 case of second division vehicles operated under certificate of
17 convenience and necessity issued by the Illinois Commerce
18 Commission, of the Commission, except that the Administrator or
19 the Secretary of State or the Commission may disclose the
20 identity of a person involved in a motor vehicle crash ~~accident~~
21 when such identity is not otherwise known or when such person
22 denies his presence at such motor vehicle crash ~~accident~~ and
23 the Department shall disclose the identity of the insurance
24 carrier, if any, upon demand. The Secretary of State may also
25 disclose notations of crash ~~accident~~ involvement maintained on

1 individual driving records.

2 (b) Upon written request, the Department shall furnish
3 copies of its written crash ~~accident~~ reports or any
4 supplemental reports to federal, State, and local agencies that
5 are engaged in highway safety research and studies and to any
6 person or entity that has a contractual agreement with the
7 Department or a federal, State, or local agency to complete a
8 highway safety research and study for the Department or the
9 federal, State, or local agency. Reports furnished to any
10 agency, person, or entity other than the Secretary of State or
11 the Illinois Commerce Commission may be used only for
12 statistical or analytical purposes and shall be held
13 confidential by that agency, person, or entity. These reports
14 shall be exempt from inspection and copying under the Freedom
15 of Information Act and shall not be used as evidence in any
16 trial, civil or criminal, arising out of a motor vehicle crash
17 ~~accident~~, except that the Administrator shall furnish upon
18 demand of any person who has, or claims to have, made such a
19 written or supplemental report, or upon demand of any court, a
20 certificate showing that a specified written crash ~~accident~~
21 report or supplemental report has or has not been made to the
22 Administrator solely to prove a compliance or a failure to
23 comply with the requirement that such a written or supplemental
24 report be made to the Administrator.

25 (c) Upon written request, the Department shall furnish
26 motor vehicle crash ~~accident~~ data to a federal, State, or local

1 agency, the Secretary of State, the Illinois Commerce
2 Commission, or any other person or entity under Section 11-417
3 of this Code.

4 (d) The Department at its discretion may provide for
5 in-depth investigations of crashes ~~accidents~~ involving
6 Department employees or other motor vehicle crashes ~~accidents~~.
7 A written report describing the preventability of such a crash
8 ~~an accident~~ may be prepared to enhance the safety of Department
9 employees or the traveling public. Such reports and the
10 information contained in those reports and any opinions
11 expressed in the review of the crash ~~accident~~ as to the
12 preventability of the crash ~~accident~~ shall be for the
13 privileged use of the Department and held confidential and
14 shall not be obtainable or used in any civil or criminal
15 proceeding.

16 (Source: P.A. 100-96, eff. 1-1-18.)

17 (625 ILCS 5/11-413) (from Ch. 95 1/2, par. 11-413)

18 Sec. 11-413. Coroners to report. All coroners shall on or
19 before the 10th day of each month report in writing to the
20 Administrator the death of any person within their respective
21 jurisdiction, during the preceding calendar month, as the
22 result of a traffic crash ~~accident~~ giving the time and place of
23 the crash ~~accident~~ and the circumstances relating thereto.

24 (Source: P.A. 83-831.)

1 (625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

2 Sec. 11-414. Department to tabulate and analyze motor
3 vehicle crash ~~accident~~ reports. The Department shall tabulate
4 and may analyze all written motor vehicle crash ~~accident~~
5 reports received in compliance with this Code and shall publish
6 annually or at more frequent intervals motor vehicle crash
7 ~~accident~~ data. The Department:

8 1. (blank);

9 2. shall, upon written request, make available to the
10 public motor vehicle crash ~~accident~~ data that shall be
11 distributed under Sections 11-412 and 11-417 of this Code;

12 3. may conduct special investigations of motor vehicle
13 crashes ~~accidents~~ and may solicit supplementary reports
14 from drivers, owners, police departments, sheriffs,
15 coroners, or any other individual. Failure of any
16 individual to submit a supplementary report subjects such
17 individual to the same penalties for failure to report as
18 designated under Section 11-406.

19 (Source: P.A. 100-96, eff. 1-1-18.)

20 (625 ILCS 5/11-415) (from Ch. 95 1/2, par. 11-415)

21 Sec. 11-415. Municipalities may require traffic crash
22 ~~accident~~ reports. Municipalities may by ordinance require that
23 the driver or owner of a vehicle involved in a traffic crash
24 ~~accident~~ file with the designated municipal office a written
25 report of such crash ~~accident~~. All such reports shall be for

1 the confidential use of the municipal office and subject to the
2 provisions of Section 11-412.

3 (Source: P.A. 83-831.)

4 (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

5 Sec. 11-416. Furnishing copies - Fees. The Department of
6 State Police may furnish copies of an Illinois State Police
7 Traffic Crash ~~Accident~~ Report that has been investigated by the
8 State Police and shall be paid a fee of \$5 for each such copy,
9 or in the case of a crash ~~an accident~~ which was investigated by
10 a crash ~~an accident~~ reconstruction officer or crash ~~accident~~
11 reconstruction team, a fee of \$20 shall be paid. These fees
12 shall be deposited into the State Police Services Fund.

13 Other State law enforcement agencies or law enforcement
14 agencies of local authorities may furnish copies of traffic
15 crash ~~accident~~ reports prepared by such agencies and may
16 receive a fee not to exceed \$5 for each copy or in the case of a
17 crash ~~an accident~~ which was investigated by a crash ~~an accident~~
18 reconstruction officer or crash ~~accident~~ reconstruction team,
19 the State or local law enforcement agency may receive a fee not
20 to exceed \$20.

21 Any written crash ~~accident~~ report required or requested to
22 be furnished the Administrator shall be provided without cost
23 or fee charges authorized under this Section or any other
24 provision of law.

25 (Source: P.A. 101-571, eff. 8-23-19.)

1 (625 ILCS 5/11-417)

2 Sec. 11-417. Motor vehicle crash ~~accident~~ report and motor
3 vehicle crash ~~accident~~ data.

4 (a) Upon written request and payment of the required fee,
5 the Department shall make available to the public motor vehicle
6 crash ~~accident~~ data received in compliance with this Code. The
7 Department shall adopt any rules necessary to establish a fee
8 schedule for motor vehicle crash ~~accident~~ data made available
9 under Section 11-414 of this Code.

10 (b) The Department shall provide copies of a written motor
11 vehicle crash ~~accident~~ report or motor vehicle crash ~~accident~~
12 data without any cost or fees authorized under any provision of
13 law to a federal, State, or local agency, the Secretary of
14 State, the Illinois Commerce Commission, or any other person or
15 entity that has a contractual agreement with the Department or
16 a federal, State, or local agency to complete a highway safety
17 research and study for the Department or the federal, State, or
18 local agency.

19 (c) All fees collected under this Section shall be placed
20 in the Road Fund to be used, subject to appropriation, for the
21 costs associated with motor vehicle crash ~~accident~~ records and
22 motor vehicle crash ~~accident~~ data.

23 (Source: P.A. 100-96, eff. 1-1-18.)

24 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

1 Sec. 11-501. Driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof.

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

6 (1) the alcohol concentration in the person's blood,
7 other bodily substance, or breath is 0.08 or more based on
8 the definition of blood and breath units in Section
9 11-501.2;

10 (2) under the influence of alcohol;

11 (3) under the influence of any intoxicating compound or
12 combination of intoxicating compounds to a degree that
13 renders the person incapable of driving safely;

14 (4) under the influence of any other drug or
15 combination of drugs to a degree that renders the person
16 incapable of safely driving;

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

20 (6) there is any amount of a drug, substance, or
21 compound in the person's breath, blood, other bodily
22 substance, or urine resulting from the unlawful use or
23 consumption of a controlled substance listed in the
24 Illinois Controlled Substances Act, an intoxicating
25 compound listed in the Use of Intoxicating Compounds Act,
26 or methamphetamine as listed in the Methamphetamine

1 Control and Community Protection Act; or

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

14 (b) The fact that any person charged with violating this
15 Section is or has been legally entitled to use alcohol,
16 cannabis under the Compassionate Use of Medical Cannabis
17 Program Act, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof, shall not constitute a
19 defense against any charge of violating this Section.

20 (c) Penalties.

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

24 (2) A person who violates subsection (a) or a similar
25 provision a second time shall be sentenced to a mandatory
26 minimum term of either 5 days of imprisonment or 240 hours

1 of community service in addition to any other criminal or
2 administrative sanction.

3 (3) A person who violates subsection (a) is subject to
4 6 months of imprisonment, an additional mandatory minimum
5 fine of \$1,000, and 25 days of community service in a
6 program benefiting children if the person was transporting
7 a person under the age of 16 at the time of the violation.

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

16 (5) A person who violates subsection (a) a second time,
17 if at the time of the second violation the alcohol
18 concentration in his or her blood, breath, other bodily
19 substance, or urine was 0.16 or more based on the
20 definition of blood, breath, other bodily substance, or
21 urine units in Section 11-501.2, shall be subject, in
22 addition to any other penalty that may be imposed, to a
23 mandatory minimum of 2 days of imprisonment and a mandatory
24 minimum fine of \$1,250.

25 (d) Aggravated driving under the influence of alcohol,
26 other drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof.

2 (1) Every person convicted of committing a violation of
3 this Section shall be guilty of aggravated driving under
4 the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination
6 thereof if:

7 (A) the person committed a violation of subsection
8 (a) or a similar provision for the third or subsequent
9 time;

10 (B) the person committed a violation of subsection
11 (a) while driving a school bus with one or more
12 passengers on board;

13 (C) the person in committing a violation of
14 subsection (a) was involved in a motor vehicle crash
15 ~~accident~~ that resulted in great bodily harm or
16 permanent disability or disfigurement to another, when
17 the violation was a proximate cause of the injuries;

18 (D) the person committed a violation of subsection
19 (a) and has been previously convicted of violating
20 Section 9-3 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 or a similar provision of a law
22 of another state relating to reckless homicide in which
23 the person was determined to have been under the
24 influence of alcohol, other drug or drugs, or
25 intoxicating compound or compounds as an element of the
26 offense or the person has previously been convicted

1 under subparagraph (C) or subparagraph (F) of this
2 paragraph (1);

3 (E) the person, in committing a violation of
4 subsection (a) while driving at any speed in a school
5 speed zone at a time when a speed limit of 20 miles per
6 hour was in effect under subsection (a) of Section
7 11-605 of this Code, was involved in a motor vehicle
8 crash ~~accident~~ that resulted in bodily harm, other than
9 great bodily harm or permanent disability or
10 disfigurement, to another person, when the violation
11 of subsection (a) was a proximate cause of the bodily
12 harm;

13 (F) the person, in committing a violation of
14 subsection (a), was involved in a motor vehicle crash
15 or snowmobile, all-terrain vehicle, or watercraft
16 accident that resulted in the death of another person,
17 when the violation of subsection (a) was a proximate
18 cause of the death;

19 (G) the person committed a violation of subsection
20 (a) during a period in which the defendant's driving
21 privileges are revoked or suspended, where the
22 revocation or suspension was for a violation of
23 subsection (a) or a similar provision, Section
24 11-501.1, paragraph (b) of Section 11-401, or for
25 reckless homicide as defined in Section 9-3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012;

1 (H) the person committed the violation while he or
2 she did not possess a driver's license or permit or a
3 restricted driving permit or a judicial driving permit
4 or a monitoring device driving permit;

5 (I) the person committed the violation while he or
6 she knew or should have known that the vehicle he or
7 she was driving was not covered by a liability
8 insurance policy;

9 (J) the person in committing a violation of
10 subsection (a) was involved in a motor vehicle crash
11 ~~accident~~ that resulted in bodily harm, but not great
12 bodily harm, to the child under the age of 16 being
13 transported by the person, if the violation was the
14 proximate cause of the injury;

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

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

21 (2) (A) Except as provided otherwise, a person
22 convicted of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof is guilty of a Class
25 4 felony.

26 (B) A third violation of this Section or a similar

1 provision is a Class 2 felony. If at the time of the third
2 violation the alcohol concentration in his or her blood,
3 breath, other bodily substance, or urine was 0.16 or more
4 based on the definition of blood, breath, other bodily
5 substance, or urine units in Section 11-501.2, a mandatory
6 minimum of 90 days of imprisonment and a mandatory minimum
7 fine of \$2,500 shall be imposed in addition to any other
8 criminal or administrative sanction. If at the time of the
9 third violation, the defendant was transporting a person
10 under the age of 16, a mandatory fine of \$25,000 and 25
11 days of community service in a program benefiting children
12 shall be imposed in addition to any other criminal or
13 administrative sanction.

14 (C) A fourth violation of this Section or a similar
15 provision is a Class 2 felony, for which a sentence of
16 probation or conditional discharge may not be imposed. If
17 at the time of the violation, the alcohol concentration in
18 the defendant's blood, breath, other bodily substance, or
19 urine was 0.16 or more based on the definition of blood,
20 breath, other bodily substance, or urine units in Section
21 11-501.2, a mandatory minimum fine of \$5,000 shall be
22 imposed in addition to any other criminal or administrative
23 sanction. If at the time of the fourth violation, the
24 defendant was transporting a person under the age of 16 a
25 mandatory fine of \$25,000 and 25 days of community service
26 in a program benefiting children shall be imposed in

1 addition to any other criminal or administrative sanction.

2 (D) A fifth violation of this Section or a similar
3 provision is a Class 1 felony, for which a sentence of
4 probation or conditional discharge may not be imposed. If
5 at the time of the violation, the alcohol concentration in
6 the defendant's blood, breath, other bodily substance, or
7 urine was 0.16 or more based on the definition of blood,
8 breath, other bodily substance, or urine units in Section
9 11-501.2, a mandatory minimum fine of \$5,000 shall be
10 imposed in addition to any other criminal or administrative
11 sanction. If at the time of the fifth violation, the
12 defendant was transporting a person under the age of 16, a
13 mandatory fine of \$25,000, and 25 days of community service
14 in a program benefiting children shall be imposed in
15 addition to any other criminal or administrative sanction.

16 (E) A sixth or subsequent violation of this Section or
17 similar provision is a Class X felony. If at the time of
18 the violation, the alcohol concentration in the
19 defendant's blood, breath, other bodily substance, or
20 urine was 0.16 or more based on the definition of blood,
21 breath, other bodily substance, or urine units in Section
22 11-501.2, a mandatory minimum fine of \$5,000 shall be
23 imposed in addition to any other criminal or administrative
24 sanction. If at the time of the violation, the defendant
25 was transporting a person under the age of 16, a mandatory
26 fine of \$25,000 and 25 days of community service in a

1 program benefiting children shall be imposed in addition to
2 any other criminal or administrative sanction.

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

7 (G) A violation of subparagraph (F) of paragraph (1) of
8 this subsection (d) is a Class 2 felony, for which the
9 defendant, unless the court determines that extraordinary
10 circumstances exist and require probation, shall be
11 sentenced to: (i) a term of imprisonment of not less than 3
12 years and not more than 14 years if the violation resulted
13 in the death of one person; or (ii) a term of imprisonment
14 of not less than 6 years and not more than 28 years if the
15 violation resulted in the deaths of 2 or more persons.

16 (H) For a violation of subparagraph (J) of paragraph
17 (1) of this subsection (d), a mandatory fine of \$2,500, and
18 25 days of community service in a program benefiting
19 children shall be imposed in addition to any other criminal
20 or administrative sanction.

21 (I) A violation of subparagraph (K) of paragraph (1) of
22 this subsection (d), is a Class 2 felony and a mandatory
23 fine of \$2,500, and 25 days of community service in a
24 program benefiting children shall be imposed in addition to
25 any other criminal or administrative sanction. If the child
26 being transported suffered bodily harm, but not great

1 bodily harm, in a motor vehicle crash ~~accident~~, and the
2 violation was the proximate cause of that injury, a
3 mandatory fine of \$5,000 and 25 days of community service
4 in a program benefiting children shall be imposed in
5 addition to any other criminal or administrative sanction.

6 (J) A violation of subparagraph (D) of paragraph (1) of
7 this subsection (d) is a Class 3 felony, for which a
8 sentence of probation or conditional discharge may not be
9 imposed.

10 (3) Any person sentenced under this subsection (d) who
11 receives a term of probation or conditional discharge must
12 serve a minimum term of either 480 hours of community
13 service or 10 days of imprisonment as a condition of the
14 probation or conditional discharge in addition to any other
15 criminal or administrative sanction.

16 (e) Any reference to a prior violation of subsection (a) or
17 a similar provision includes any violation of a provision of a
18 local ordinance or a provision of a law of another state or an
19 offense committed on a military installation that is similar to
20 a violation of subsection (a) of this Section.

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

24 (g) Any penalty imposed for driving with a license that has
25 been revoked for a previous violation of subsection (a) of this
26 Section shall be in addition to the penalty imposed for any

1 subsequent violation of subsection (a).

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

5 (Source: P.A. 101-363, eff. 8-9-19.)

6 (625 ILCS 5/11-501.1)

7 Sec. 11-501.1. Suspension of drivers license; statutory
8 summary alcohol, other drug or drugs, or intoxicating compound
9 or compounds related suspension or revocation; implied
10 consent.

11 (a) Any person who drives or is in actual physical control
12 of a motor vehicle upon the public highways of this State shall
13 be deemed to have given consent, subject to the provisions of
14 Section 11-501.2, to a chemical test or tests of blood, breath,
15 other bodily substance, or urine for the purpose of determining
16 the content of alcohol, other drug or drugs, or intoxicating
17 compound or compounds or any combination thereof in the
18 person's blood if arrested, as evidenced by the issuance of a
19 Uniform Traffic Ticket, for any offense as defined in Section
20 11-501 or a similar provision of a local ordinance, or if
21 arrested for violating Section 11-401. If a law enforcement
22 officer has probable cause to believe the person was under the
23 influence of alcohol, other drug or drugs, intoxicating
24 compound or compounds, or any combination thereof, the law
25 enforcement officer shall request a chemical test or tests

1 which shall be administered at the direction of the arresting
2 officer. The law enforcement agency employing the officer shall
3 designate which of the aforesaid tests shall be administered.
4 Up to 2 additional tests of urine or other bodily substance may
5 be administered even after a blood or breath test or both has
6 been administered. For purposes of this Section, an Illinois
7 law enforcement officer of this State who is investigating the
8 person for any offense defined in Section 11-501 may travel
9 into an adjoining state, where the person has been transported
10 for medical care, to complete an investigation and to request
11 that the person submit to the test or tests set forth in this
12 Section. The requirements of this Section that the person be
13 arrested are inapplicable, but the officer shall issue the
14 person a Uniform Traffic Ticket for an offense as defined in
15 Section 11-501 or a similar provision of a local ordinance
16 prior to requesting that the person submit to the test or
17 tests. The issuance of the Uniform Traffic Ticket shall not
18 constitute an arrest, but shall be for the purpose of notifying
19 the person that he or she is subject to the provisions of this
20 Section and of the officer's belief of the existence of
21 probable cause to arrest. Upon returning to this State, the
22 officer shall file the Uniform Traffic Ticket with the Circuit
23 Clerk of the county where the offense was committed, and shall
24 seek the issuance of an arrest warrant or a summons for the
25 person.

26 (a-5) (Blank).

1 (b) Any person who is dead, unconscious, or who is
2 otherwise in a condition rendering the person incapable of
3 refusal, shall be deemed not to have withdrawn the consent
4 provided by paragraph (a) of this Section and the test or tests
5 may be administered, subject to the provisions of Section
6 11-501.2.

7 (c) A person requested to submit to a test as provided
8 above shall be warned by the law enforcement officer requesting
9 the test that a refusal to submit to the test will result in
10 the statutory summary suspension of the person's privilege to
11 operate a motor vehicle, as provided in Section 6-208.1 of this
12 Code, and will also result in the disqualification of the
13 person's privilege to operate a commercial motor vehicle, as
14 provided in Section 6-514 of this Code, if the person is a CDL
15 holder. The person shall also be warned that a refusal to
16 submit to the test, when the person was involved in a motor
17 vehicle crash ~~accident~~ that caused personal injury or death to
18 another, will result in the statutory summary revocation of the
19 person's privilege to operate a motor vehicle, as provided in
20 Section 6-208.1, and will also result in the disqualification
21 of the person's privilege to operate a commercial motor
22 vehicle, as provided in Section 6-514 of this Code, if the
23 person is a CDL holder. The person shall also be warned by the
24 law enforcement officer that if the person submits to the test
25 or tests provided in paragraph (a) of this Section and the
26 alcohol concentration in the person's blood, other bodily

1 substance, or breath is 0.08 or greater, or testing discloses
2 the presence of cannabis as listed in the Cannabis Control Act
3 with a tetrahydrocannabinol concentration as defined in
4 paragraph 6 of subsection (a) of Section 11-501.2 of this Code,
5 or any amount of a drug, substance, or compound resulting from
6 the unlawful use or consumption of a controlled substance
7 listed in the Illinois Controlled Substances Act, an
8 intoxicating compound listed in the Use of Intoxicating
9 Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act is
11 detected in the person's blood, other bodily substance or
12 urine, a statutory summary suspension of the person's privilege
13 to operate a motor vehicle, as provided in Sections 6-208.1 and
14 11-501.1 of this Code, will be imposed. If the person is also a
15 CDL holder, he or she shall be warned by the law enforcement
16 officer that if the person submits to the test or tests
17 provided in paragraph (a) of this Section and the alcohol
18 concentration in the person's blood, other bodily substance, or
19 breath is 0.08 or greater, or any amount of a drug, substance,
20 or compound resulting from the unlawful use or consumption of
21 cannabis as covered by the Cannabis Control Act, a controlled
22 substance listed in the Illinois Controlled Substances Act, an
23 intoxicating compound listed in the Use of Intoxicating
24 Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act is
26 detected in the person's blood, other bodily substance, or

1 urine, a disqualification of the person's privilege to operate
2 a commercial motor vehicle, as provided in Section 6-514 of
3 this Code, will be imposed.

4 A person who is under the age of 21 at the time the person
5 is requested to submit to a test as provided above shall, in
6 addition to the warnings provided for in this Section, be
7 further warned by the law enforcement officer requesting the
8 test that if the person submits to the test or tests provided
9 in paragraph (a) of this Section and the alcohol concentration
10 in the person's blood, other bodily substance, or breath is
11 greater than 0.00 and less than 0.08, a suspension of the
12 person's privilege to operate a motor vehicle, as provided
13 under Sections 6-208.2 and 11-501.8 of this Code, will be
14 imposed. The results of this test shall be admissible in a
15 civil or criminal action or proceeding arising from an arrest
16 for an offense as defined in Section 11-501 of this Code or a
17 similar provision of a local ordinance or pursuant to Section
18 11-501.4 in prosecutions for reckless homicide brought under
19 the Criminal Code of 1961 or the Criminal Code of 2012. These
20 test results, however, shall be admissible only in actions or
21 proceedings directly related to the incident upon which the
22 test request was made.

23 A person requested to submit to a test shall also
24 acknowledge, in writing, receipt of the warning required under
25 this Section. If the person refuses to acknowledge receipt of
26 the warning, the law enforcement officer shall make a written

1 notation on the warning that the person refused to sign the
2 warning. A person's refusal to sign the warning shall not be
3 evidence that the person was not read the warning.

4 (d) If the person refuses testing or submits to a test that
5 discloses an alcohol concentration of 0.08 or more, or testing
6 discloses the presence of cannabis as listed in the Cannabis
7 Control Act with a tetrahydrocannabinol concentration as
8 defined in paragraph 6 of subsection (a) of Section 11-501.2 of
9 this Code, or any amount of a drug, substance, or intoxicating
10 compound in the person's breath, blood, other bodily substance,
11 or urine resulting from the unlawful use or consumption of a
12 controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act, the law
16 enforcement officer shall immediately submit a sworn report to
17 the circuit court of venue and the Secretary of State,
18 certifying that the test or tests was or were requested under
19 paragraph (a) and the person refused to submit to a test, or
20 tests, or submitted to testing that disclosed an alcohol
21 concentration of 0.08 or more, testing discloses the presence
22 of cannabis as listed in the Cannabis Control Act with a
23 tetrahydrocannabinol concentration as defined in paragraph 6
24 of subsection (a) of Section 11-501.2 of this Code, or any
25 amount of a drug, substance, or intoxicating compound in the
26 person's breath, blood, other bodily substance, or urine

1 resulting from the unlawful use or consumption of a controlled
2 substance listed in the Illinois Controlled Substances Act, an
3 intoxicating compound listed in the Use of Intoxicating
4 Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act. If the
6 person is also a CDL holder and refuses testing or submits to a
7 test that discloses an alcohol concentration of 0.08 or more,
8 or any amount of a drug, substance, or intoxicating compound in
9 the person's breath, blood, other bodily substance, or urine
10 resulting from the unlawful use or consumption of cannabis
11 listed in the Cannabis Control Act, a controlled substance
12 listed in the Illinois Controlled Substances Act, an
13 intoxicating compound listed in the Use of Intoxicating
14 Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act, the law
16 enforcement officer shall also immediately submit a sworn
17 report to the circuit court of venue and the Secretary of
18 State, certifying that the test or tests was or were requested
19 under paragraph (a) and the person refused to submit to a test,
20 or tests, or submitted to testing that disclosed an alcohol
21 concentration of 0.08 or more, or any amount of a drug,
22 substance, or intoxicating compound in the person's breath,
23 blood, other bodily substance, or urine resulting from the
24 unlawful use or consumption of cannabis listed in the Cannabis
25 Control Act, a controlled substance listed in the Illinois
26 Controlled Substances Act, an intoxicating compound listed in

1 the Use of Intoxicating Compounds Act, or methamphetamine as
2 listed in the Methamphetamine Control and Community Protection
3 Act.

4 (e) Upon receipt of the sworn report of a law enforcement
5 officer submitted under paragraph (d), the Secretary of State
6 shall enter the statutory summary suspension or revocation and
7 disqualification for the periods specified in Sections 6-208.1
8 and 6-514, respectively, and effective as provided in paragraph
9 (g).

10 If the person is a first offender as defined in Section
11 11-500 of this Code, and is not convicted of a violation of
12 Section 11-501 of this Code or a similar provision of a local
13 ordinance, then reports received by the Secretary of State
14 under this Section shall, except during the actual time the
15 Statutory Summary Suspension is in effect, be privileged
16 information and for use only by the courts, police officers,
17 prosecuting authorities or the Secretary of State, unless the
18 person is a CDL holder, is operating a commercial motor vehicle
19 or vehicle required to be placarded for hazardous materials, in
20 which case the suspension shall not be privileged. Reports
21 received by the Secretary of State under this Section shall
22 also be made available to the parent or guardian of a person
23 under the age of 18 years that holds an instruction permit or a
24 graduated driver's license, regardless of whether the
25 statutory summary suspension is in effect. A statutory summary
26 revocation shall not be privileged information.

1 (f) The law enforcement officer submitting the sworn report
2 under paragraph (d) shall serve immediate notice of the
3 statutory summary suspension or revocation on the person and
4 the suspension or revocation and disqualification shall be
5 effective as provided in paragraph (g).

6 (1) In cases involving a person who is not a CDL holder
7 where the blood alcohol concentration of 0.08 or greater or
8 any amount of a drug, substance, or compound resulting from
9 the unlawful use or consumption of a controlled substance
10 listed in the Illinois Controlled Substances Act, an
11 intoxicating compound listed in the Use of Intoxicating
12 Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act is
14 established by a subsequent analysis of blood, other bodily
15 substance, or urine or analysis of whole blood or other
16 bodily substance establishes a tetrahydrocannabinol
17 concentration as defined in paragraph 6 of subsection (a)
18 of Section 11-501.2 of this Code, collected at the time of
19 arrest, the arresting officer or arresting agency shall
20 give notice as provided in this Section or by deposit in
21 the United States mail of the notice in an envelope with
22 postage prepaid and addressed to the person at his or her
23 address as shown on the Uniform Traffic Ticket and the
24 statutory summary suspension shall begin as provided in
25 paragraph (g).

26 (1.3) In cases involving a person who is a CDL holder

1 where the blood alcohol concentration of 0.08 or greater or
2 any amount of a drug, substance, or compound resulting from
3 the unlawful use or consumption of cannabis as covered by
4 the Cannabis Control Act, a controlled substance listed in
5 the 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 is established by a
9 subsequent analysis of blood, other bodily substance, or
10 urine collected at the time of arrest, the arresting
11 officer or arresting agency shall give notice as provided
12 in this Section or by deposit in the United States mail of
13 the notice in an envelope with postage prepaid and
14 addressed to the person at his or her address as shown on
15 the Uniform Traffic Ticket and the statutory summary
16 suspension and disqualification shall begin as provided in
17 paragraph (g).

18 (1.5) The officer shall confiscate any Illinois
19 driver's license or permit on the person at the time of
20 arrest. If the person has a valid driver's license or
21 permit, the officer shall issue the person a receipt, in a
22 form prescribed by the Secretary of State, that will allow
23 that person to drive during the periods provided for in
24 paragraph (g). The officer shall immediately forward the
25 driver's license or permit to the circuit court of venue
26 along with the sworn report provided for in paragraph (d).

1 (2) (Blank).

2 (g) The statutory summary suspension or revocation and
3 disqualification referred to in this Section shall take effect
4 on the 46th day following the date the notice of the statutory
5 summary suspension or revocation was given to the person.

6 (h) The following procedure shall apply whenever a person
7 is arrested for any offense as defined in Section 11-501 or a
8 similar provision of a local ordinance:

9 Upon receipt of the sworn report from the law enforcement
10 officer, the Secretary of State shall confirm the statutory
11 summary suspension or revocation by mailing a notice of the
12 effective date of the suspension or revocation to the person
13 and the court of venue. The Secretary of State shall also mail
14 notice of the effective date of the disqualification to the
15 person. However, should the sworn report be defective by not
16 containing sufficient information or be completed in error, the
17 confirmation of the statutory summary suspension or revocation
18 shall not be mailed to the person or entered to the record;
19 instead, the sworn report shall be forwarded to the court of
20 venue with a copy returned to the issuing agency identifying
21 any defect.

22 (i) As used in this Section, "personal injury" includes any
23 Type A injury as indicated on the traffic crash ~~accident~~ report
24 completed by a law enforcement officer that requires immediate
25 professional attention in either a doctor's office or a medical
26 facility. A Type A injury includes severely bleeding wounds,

1 distorted extremities, and injuries that require the injured
2 party to be carried from the scene.

3 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
4 99-467, eff. 1-1-16; 99-697, eff. 7-29-16.)

5 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

6 Sec. 11-501.2. Chemical and other tests.

7 (a) Upon the trial of any civil or criminal action or
8 proceeding arising out of an arrest for an offense as defined
9 in Section 11-501 or a similar local ordinance or proceedings
10 pursuant to Section 2-118.1, evidence of the concentration of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof in a person's blood or
13 breath at the time alleged, as determined by analysis of the
14 person's blood, urine, breath, or other bodily substance, shall
15 be admissible. Where such test is made the following provisions
16 shall apply:

17 1. Chemical analyses of the person's blood, urine,
18 breath, or other bodily substance to be considered valid
19 under the provisions of this Section shall have been
20 performed according to standards promulgated by the
21 Department of State Police by a licensed physician,
22 registered nurse, trained phlebotomist, licensed
23 paramedic, or other individual possessing a valid permit
24 issued by that Department for this purpose. The Director of
25 State Police is authorized to approve satisfactory

1 techniques or methods, to ascertain the qualifications and
2 competence of individuals to conduct such analyses, to
3 issue permits which shall be subject to termination or
4 revocation at the discretion of that Department and to
5 certify the accuracy of breath testing equipment. The
6 Department of State Police shall prescribe regulations as
7 necessary to implement this Section.

8 2. When a person in this State shall submit to a blood
9 test at the request of a law enforcement officer under the
10 provisions of Section 11-501.1, only a physician
11 authorized to practice medicine, a licensed physician
12 assistant, a licensed advanced practice registered nurse,
13 a registered nurse, trained phlebotomist, or licensed
14 paramedic, or other qualified person approved by the
15 Department of State Police may withdraw blood for the
16 purpose of determining the alcohol, drug, or alcohol and
17 drug content therein. This limitation shall not apply to
18 the taking of breath, other bodily substance, or urine
19 specimens.

20 When a blood test of a person who has been taken to an
21 adjoining state for medical treatment is requested by an
22 Illinois law enforcement officer, the blood may be
23 withdrawn only by a physician authorized to practice
24 medicine in the adjoining state, a licensed physician
25 assistant, a licensed advanced practice registered nurse,
26 a registered nurse, a trained phlebotomist acting under the

1 direction of the physician, or licensed paramedic. The law
2 enforcement officer requesting the test shall take custody
3 of the blood sample, and the blood sample shall be analyzed
4 by a laboratory certified by the Department of State Police
5 for that purpose.

6 3. The person tested may have a physician, or a
7 qualified technician, chemist, registered nurse, or other
8 qualified person of their own choosing administer a
9 chemical test or tests in addition to any administered at
10 the direction of a law enforcement officer. The failure or
11 inability to obtain an additional test by a person shall
12 not preclude the admission of evidence relating to the test
13 or tests taken at the direction of a law enforcement
14 officer.

15 4. Upon the request of the person who shall submit to a
16 chemical test or tests at the request of a law enforcement
17 officer, full information concerning the test or tests
18 shall be made available to the person or such person's
19 attorney.

20 5. Alcohol concentration shall mean either grams of
21 alcohol per 100 milliliters of blood or grams of alcohol
22 per 210 liters of breath.

23 6. Tetrahydrocannabinol concentration means either 5
24 nanograms or more of delta-9-tetrahydrocannabinol per
25 milliliter of whole blood or 10 nanograms or more of
26 delta-9-tetrahydrocannabinol per milliliter of other

1 bodily substance.

2 (a-5) Law enforcement officials may use validated roadside
3 chemical tests or standardized field sobriety tests approved by
4 the National Highway Traffic Safety Administration when
5 conducting investigations of a violation of Section 11-501 or
6 similar local ordinance by drivers suspected of driving under
7 the influence of cannabis. The General Assembly finds that (i)
8 validated roadside chemical tests are effective means to
9 determine if a person is under the influence of cannabis and
10 (ii) standardized field sobriety tests approved by the National
11 Highway Traffic Safety Administration are divided attention
12 tasks that are intended to determine if a person is under the
13 influence of cannabis. The purpose of these tests is to
14 determine the effect of the use of cannabis on a person's
15 capacity to think and act with ordinary care and therefore
16 operate a motor vehicle safely. Therefore, the results of these
17 validated roadside chemical tests and standardized field
18 sobriety tests, appropriately administered, shall be
19 admissible in the trial of any civil or criminal action or
20 proceeding arising out of an arrest for a cannabis-related
21 offense as defined in Section 11-501 or a similar local
22 ordinance or proceedings under Section 2-118.1 or 2-118.2.
23 Where a test is made the following provisions shall apply:

24 1. The person tested may have a physician, or a
25 qualified technician, chemist, registered nurse, or other
26 qualified person of their own choosing administer a

1 chemical test or tests in addition to the standardized
2 field sobriety test or tests administered at the direction
3 of a law enforcement officer. The failure or inability to
4 obtain an additional test by a person does not preclude the
5 admission of evidence relating to the test or tests taken
6 at the direction of a law enforcement officer.

7 2. Upon the request of the person who shall submit to
8 validated roadside chemical tests or a standardized field
9 sobriety test or tests at the request of a law enforcement
10 officer, full information concerning the test or tests
11 shall be made available to the person or the person's
12 attorney.

13 3. At the trial of any civil or criminal action or
14 proceeding arising out of an arrest for an offense as
15 defined in Section 11-501 or a similar local ordinance or
16 proceedings under Section 2-118.1 or 2-118.2 in which the
17 results of these validated roadside chemical tests or
18 standardized field sobriety tests are admitted, the person
19 may present and the trier of fact may consider evidence
20 that the person lacked the physical capacity to perform the
21 validated roadside chemical tests or standardized field
22 sobriety tests.

23 (b) Upon the trial of any civil or criminal action or
24 proceeding arising out of acts alleged to have been committed
25 by any person while driving or in actual physical control of a
26 vehicle while under the influence of alcohol, the concentration

1 of alcohol in the person's blood or breath at the time alleged
2 as shown by analysis of the person's blood, urine, breath, or
3 other bodily substance shall give rise to the following
4 presumptions:

5 1. If there was at that time an alcohol concentration
6 of 0.05 or less, it shall be presumed that the person was
7 not under the influence of alcohol.

8 2. If there was at that time an alcohol concentration
9 in excess of 0.05 but less than 0.08, such facts shall not
10 give rise to any presumption that the person was or was not
11 under the influence of alcohol, but such fact may be
12 considered with other competent evidence in determining
13 whether the person was under the influence of alcohol.

14 3. If there was at that time an alcohol concentration
15 of 0.08 or more, it shall be presumed that the person was
16 under the influence of alcohol.

17 4. The foregoing provisions of this Section shall not
18 be construed as limiting the introduction of any other
19 relevant evidence bearing upon the question whether the
20 person was under the influence of alcohol.

21 (b-5) Upon the trial of any civil or criminal action or
22 proceeding arising out of acts alleged to have been committed
23 by any person while driving or in actual physical control of a
24 vehicle while under the influence of alcohol, other drug or
25 drugs, intoxicating compound or compounds or any combination
26 thereof, the concentration of cannabis in the person's whole

1 blood or other bodily substance at the time alleged as shown by
2 analysis of the person's blood or other bodily substance shall
3 give rise to the following presumptions:

4 1. If there was a tetrahydrocannabinol concentration
5 of 5 nanograms or more in whole blood or 10 nanograms or
6 more in an other bodily substance as defined in this
7 Section, it shall be presumed that the person was under the
8 influence of cannabis.

9 2. If there was at that time a tetrahydrocannabinol
10 concentration of less than 5 nanograms in whole blood or
11 less than 10 nanograms in an other bodily substance, such
12 facts shall not give rise to any presumption that the
13 person was or was not under the influence of cannabis, but
14 such fact may be considered with other competent evidence
15 in determining whether the person was under the influence
16 of cannabis.

17 (c) 1. If a person under arrest refuses to submit to a
18 chemical test under the provisions of Section 11-501.1,
19 evidence of refusal shall be admissible in any civil or
20 criminal action or proceeding arising out of acts alleged to
21 have been committed while the person under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof was driving or in actual
24 physical control of a motor vehicle.

25 2. Notwithstanding any ability to refuse under this Code to
26 submit to these tests or any ability to revoke the implied

1 consent to these tests, if a law enforcement officer has
2 probable cause to believe that a motor vehicle driven by or in
3 actual physical control of a person under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof has caused the death or
6 personal injury to another, the law enforcement officer shall
7 request, and that person shall submit, upon the request of a
8 law enforcement officer, to a chemical test or tests of his or
9 her blood, breath, other bodily substance, or urine for the
10 purpose of determining the alcohol content thereof or the
11 presence of any other drug or combination of both.

12 This provision does not affect the applicability of or
13 imposition of driver's license sanctions under Section
14 11-501.1 of this Code.

15 3. For purposes of this Section, a personal injury includes
16 any Type A injury as indicated on the traffic crash ~~accident~~
17 report completed by a law enforcement officer that requires
18 immediate professional attention in either a doctor's office or
19 a medical facility. A Type A injury includes severe bleeding
20 wounds, distorted extremities, and injuries that require the
21 injured party to be carried from the scene.

22 (d) If a person refuses validated roadside chemical tests
23 or standardized field sobriety tests under Section 11-501.9 of
24 this Code, evidence of refusal shall be admissible in any civil
25 or criminal action or proceeding arising out of acts committed
26 while the person was driving or in actual physical control of a

1 vehicle and alleged to have been impaired by the use of
2 cannabis.

3 (e) Department of State Police compliance with the changes
4 in this amendatory Act of the 99th General Assembly concerning
5 testing of other bodily substances and tetrahydrocannabinol
6 concentration by Department of State Police laboratories is
7 subject to appropriation and until the Department of State
8 Police adopt standards and completion validation. Any
9 laboratories that test for the presence of cannabis or other
10 drugs under this Article, the Snowmobile Registration and
11 Safety Act, or the Boat Registration and Safety Act must comply
12 with ISO/IEC 17025:2005.

13 (Source: P.A. 100-513, eff. 1-1-18; 101-27, eff. 6-25-19.)

14 (625 ILCS 5/11-501.4-1)

15 Sec. 11-501.4-1. Reporting of test results of blood, other
16 bodily substance, or urine conducted in the regular course of
17 providing emergency medical treatment.

18 (a) Notwithstanding any other provision of law, the results
19 of blood, other bodily substance, or urine tests performed for
20 the purpose of determining the content of alcohol, other drug
21 or drugs, or intoxicating compound or compounds, or any
22 combination thereof, in an individual's blood, other bodily
23 substance, or urine conducted upon persons receiving medical
24 treatment in a hospital emergency room for injuries resulting
25 from a motor vehicle crash ~~accident~~ shall be disclosed to the

1 Department of State Police or local law enforcement agencies of
2 jurisdiction, upon request. Such blood, other bodily
3 substance, or urine tests are admissible in evidence as a
4 business record exception to the hearsay rule only in
5 prosecutions for any violation of Section 11-501 of this Code
6 or a similar provision of a local ordinance, or in prosecutions
7 for reckless homicide brought under the Criminal Code of 1961
8 or the Criminal Code of 2012.

9 (b) The confidentiality provisions of law pertaining to
10 medical records and medical treatment shall not be applicable
11 with regard to tests performed upon an individual's blood,
12 other bodily substance, or urine under the provisions of
13 subsection (a) of this Section. No person shall be liable for
14 civil damages or professional discipline as a result of the
15 disclosure or reporting of the tests or the evidentiary use of
16 an individual's blood, other bodily substance, or urine test
17 results under this Section or Section 11-501.4 or as a result
18 of that person's testimony made available under this Section or
19 Section 11-501.4, except for willful or wanton misconduct.

20 (Source: P.A. 99-697, eff. 7-29-16.)

21 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

22 Sec. 11-501.6. Driver involvement in personal injury or
23 fatal motor vehicle crash ~~accident~~; chemical test.

24 (a) Any person who drives or is in actual control of a
25 motor vehicle upon the public highways of this State and who

1 has been involved in a personal injury or fatal motor vehicle
2 crash ~~accident~~, shall be deemed to have given consent to a
3 breath test using a portable device as approved by the
4 Department of State Police or to a chemical test or tests of
5 blood, breath, other bodily substance, or urine for the purpose
6 of determining the content of alcohol, other drug or drugs, or
7 intoxicating compound or compounds of such person's blood if
8 arrested as evidenced by the issuance of a Uniform Traffic
9 Ticket for any violation of the Illinois Vehicle Code or a
10 similar provision of a local ordinance, with the exception of
11 equipment violations contained in Chapter 12 of this Code, or
12 similar provisions of local ordinances. The test or tests shall
13 be administered at the direction of the arresting officer. The
14 law enforcement agency employing the officer shall designate
15 which of the aforesaid tests shall be administered. Up to 2
16 additional tests of urine or other bodily substance may be
17 administered even after a blood or breath test or both has been
18 administered. Compliance with this Section does not relieve
19 such person from the requirements of Section 11-501.1 of this
20 Code.

21 (b) Any person who is dead, unconscious or who is otherwise
22 in a condition rendering such person incapable of refusal shall
23 be deemed not to have withdrawn the consent provided by
24 subsection (a) of this Section. In addition, if a driver of a
25 vehicle is receiving medical treatment as a result of a motor
26 vehicle crash ~~accident~~, any physician licensed to practice

1 medicine, licensed physician assistant, licensed advanced
2 practice registered nurse, registered nurse or a phlebotomist
3 acting under the direction of a licensed physician shall
4 withdraw blood for testing purposes to ascertain the presence
5 of alcohol, other drug or drugs, or intoxicating compound or
6 compounds, upon the specific request of a law enforcement
7 officer. However, no such testing shall be performed until, in
8 the opinion of the medical personnel on scene, the withdrawal
9 can be made without interfering with or endangering the
10 well-being of the patient.

11 (c) A person requested to submit to a test as provided
12 above shall be warned by the law enforcement officer requesting
13 the test that a refusal to submit to the test, or submission to
14 the test resulting in an alcohol concentration of 0.08 or more,
15 or testing discloses the presence of cannabis as listed in the
16 Cannabis Control Act with a tetrahydrocannabinol concentration
17 as defined in paragraph 6 of subsection (a) of Section 11-501.2
18 of this Code, or any amount of a drug, substance, or
19 intoxicating compound resulting from the unlawful use or
20 consumption of a controlled substance listed in the Illinois
21 Controlled Substances Act, an intoxicating compound listed in
22 the Use of Intoxicating Compounds Act, or methamphetamine as
23 listed in the Methamphetamine Control and Community Protection
24 Act as detected in such person's blood, other bodily substance,
25 or urine, may result in the suspension of such person's
26 privilege to operate a motor vehicle. If the person is also a

1 CDL holder, he or she shall be warned by the law enforcement
2 officer requesting the test that a refusal to submit to the
3 test, or submission to the test resulting in an alcohol
4 concentration of 0.08 or more, or any amount of a drug,
5 substance, or intoxicating compound resulting from the
6 unlawful use or consumption of cannabis, as covered by the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating compound
9 listed in the Use of Intoxicating Compounds Act, or
10 methamphetamine as listed in the Methamphetamine Control and
11 Community Protection Act as detected in the person's blood,
12 other bodily substance, or urine, may result in the
13 disqualification of the person's privilege to operate a
14 commercial motor vehicle, as provided in Section 6-514 of this
15 Code. The length of the suspension shall be the same as
16 outlined in Section 6-208.1 of this Code regarding statutory
17 summary suspensions.

18 A person requested to submit to a test shall also
19 acknowledge, in writing, receipt of the warning required under
20 this Section. If the person refuses to acknowledge receipt of
21 the warning, the law enforcement officer shall make a written
22 notation on the warning that the person refused to sign the
23 warning. A person's refusal to sign the warning shall not be
24 evidence that the person was not read the warning.

25 (d) If the person refuses testing or submits to a test
26 which discloses an alcohol concentration of 0.08 or more, the

1 presence of cannabis as listed in the Cannabis Control Act with
2 a tetrahydrocannabinol concentration as defined in paragraph 6
3 of subsection (a) of Section 11-501.2 of this Code, or any
4 amount of a drug, substance, or intoxicating compound in such
5 person's blood or urine resulting from the unlawful use or
6 consumption of a controlled substance listed in the Illinois
7 Controlled Substances Act, an intoxicating compound listed in
8 the Use of Intoxicating Compounds Act, or methamphetamine as
9 listed in the Methamphetamine Control and Community Protection
10 Act, the law enforcement officer shall immediately submit a
11 sworn report to the Secretary of State on a form prescribed by
12 the Secretary, certifying that the test or tests were requested
13 under subsection (a) and the person refused to submit to a test
14 or tests or submitted to testing which disclosed an alcohol
15 concentration of 0.08 or more, the presence of cannabis as
16 listed in the Cannabis Control Act with a tetrahydrocannabinol
17 concentration as defined in paragraph 6 of subsection (a) of
18 Section 11-501.2 of this Code, or any amount of a drug,
19 substance, or intoxicating compound in such person's blood,
20 other bodily substance, or urine, resulting from the unlawful
21 use or consumption of a controlled substance listed in the
22 Illinois Controlled Substances Act, an intoxicating compound
23 listed in the Use of Intoxicating Compounds Act, or
24 methamphetamine as listed in the Methamphetamine Control and
25 Community Protection Act. If the person is also a CDL holder
26 and refuses testing or submits to a test which discloses an

1 alcohol concentration of 0.08 or more, or any amount of a drug,
2 substance, or intoxicating compound in the person's blood,
3 other bodily substance, or urine resulting from the unlawful
4 use or consumption of cannabis listed in the Cannabis Control
5 Act, a controlled substance listed in the Illinois Controlled
6 Substances Act, an intoxicating compound listed in the Use of
7 Intoxicating Compounds Act, or methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act, the law
9 enforcement officer shall immediately submit a sworn report to
10 the Secretary of State on a form prescribed by the Secretary,
11 certifying that the test or tests were requested under
12 subsection (a) and the person refused to submit to a test or
13 tests or submitted to testing which disclosed an alcohol
14 concentration of 0.08 or more, or any amount of a drug,
15 substance, or intoxicating compound in such person's blood,
16 other bodily substance, or urine, resulting from the unlawful
17 use or consumption of cannabis listed in the Cannabis Control
18 Act, a controlled substance listed in the Illinois Controlled
19 Substances Act, an intoxicating compound listed in the Use of
20 Intoxicating Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act.

22 Upon receipt of the sworn report of a law enforcement
23 officer, the Secretary shall enter the suspension and
24 disqualification to the individual's driving record and the
25 suspension and disqualification shall be effective on the 46th
26 day following the date notice of the suspension was given to

1 the person.

2 The law enforcement officer submitting the sworn report
3 shall serve immediate notice of this suspension on the person
4 and such suspension and disqualification shall be effective on
5 the 46th day following the date notice was given.

6 In cases involving a person who is not a CDL holder where
7 the blood alcohol concentration of 0.08 or more, or blood
8 testing discloses the presence of cannabis as listed in the
9 Cannabis Control Act with a tetrahydrocannabinol concentration
10 as defined in paragraph 6 of subsection (a) of Section 11-501.2
11 of this Code, or any amount of a drug, substance, or
12 intoxicating compound resulting from the unlawful use or
13 consumption of a controlled substance listed in the Illinois
14 Controlled Substances Act, an intoxicating compound listed in
15 the Use of Intoxicating Compounds Act, or methamphetamine as
16 listed in the Methamphetamine Control and Community Protection
17 Act, is established by a subsequent analysis of blood, other
18 bodily substance, or urine collected at the time of arrest, the
19 arresting officer shall give notice as provided in this Section
20 or by deposit in the United States mail of such notice in an
21 envelope with postage prepaid and addressed to such person at
22 his or her address as shown on the Uniform Traffic Ticket and
23 the suspension shall be effective on the 46th day following the
24 date notice was given.

25 In cases involving a person who is a CDL holder where the
26 blood alcohol concentration of 0.08 or more, or any amount of a

1 drug, substance, or intoxicating compound resulting from the
2 unlawful use or consumption of cannabis as listed in the
3 Cannabis Control Act, a controlled substance listed in the
4 Illinois Controlled Substances Act, an intoxicating compound
5 listed in the Use of Intoxicating Compounds Act, or
6 methamphetamine as listed in the Methamphetamine Control and
7 Community Protection Act, is established by a subsequent
8 analysis of blood, other bodily substance, or urine collected
9 at the time of arrest, the arresting officer shall give notice
10 as provided in this Section or by deposit in the United States
11 mail of such notice in an envelope with postage prepaid and
12 addressed to the person at his or her address as shown on the
13 Uniform Traffic Ticket and the suspension and disqualification
14 shall be effective on the 46th day following the date notice
15 was given.

16 Upon receipt of the sworn report of a law enforcement
17 officer, the Secretary shall also give notice of the suspension
18 and disqualification to the driver by mailing a notice of the
19 effective date of the suspension and disqualification to the
20 individual. However, should the sworn report be defective by
21 not containing sufficient information or be completed in error,
22 the notice of the suspension and disqualification shall not be
23 mailed to the person or entered to the driving record, but
24 rather the sworn report shall be returned to the issuing law
25 enforcement agency.

26 (e) A driver may contest this suspension of his or her

1 driving privileges and disqualification of his or her CDL
2 privileges by requesting an administrative hearing with the
3 Secretary in accordance with Section 2-118 of this Code. At the
4 conclusion of a hearing held under Section 2-118 of this Code,
5 the Secretary may rescind, continue, or modify the orders of
6 suspension and disqualification. If the Secretary does not
7 rescind the orders of suspension and disqualification, a
8 restricted driving permit may be granted by the Secretary upon
9 application being made and good cause shown. A restricted
10 driving permit may be granted to relieve undue hardship to
11 allow driving for employment, educational, and medical
12 purposes as outlined in Section 6-206 of this Code. The
13 provisions of Section 6-206 of this Code shall apply. In
14 accordance with 49 C.F.R. 384, the Secretary of State may not
15 issue a restricted driving permit for the operation of a
16 commercial motor vehicle to a person holding a CDL whose
17 driving privileges have been suspended, revoked, cancelled, or
18 disqualified.

19 (f) (Blank).

20 (g) For the purposes of this Section, a personal injury
21 shall include any type A injury as indicated on the traffic
22 crash ~~accident~~ report completed by a law enforcement officer
23 that requires immediate professional attention in either a
24 doctor's office or a medical facility. A type A injury shall
25 include severely bleeding wounds, distorted extremities, and
26 injuries that require the injured party to be carried from the

1 scene.

2 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
3 100-513, eff. 1-1-18.)

4 (625 ILCS 5/11-501.7) (from Ch. 95 1/2, par. 11-501.7)

5 Sec. 11-501.7. (a) As a condition of probation or discharge
6 of a person convicted of a violation of Section 11-501 of this
7 Code, who was less than 21 years of age at the time of the
8 offense, or a person adjudicated delinquent pursuant to the
9 Juvenile Court Act of 1987, for violation of Section 11-501 of
10 this Code, the Court may order the offender to participate in
11 the Youthful Intoxicated Drivers' Visitation Program. The
12 Program shall consist of a supervised visitation as provided by
13 this Section by the person to at least one of the following, to
14 the extent that personnel and facilities are available:

15 (1) A State or private rehabilitation facility that
16 cares for victims of motor vehicle crashes ~~accidents~~
17 involving persons under the influence of alcohol.

18 (2) A facility which cares for advanced alcoholics to
19 observe persons in the terminal stages of alcoholism, under
20 the supervision of appropriately licensed medical
21 personnel.

22 (3) If approved by the coroner of the county where the
23 person resides, the county coroner's office or the county
24 morgue to observe appropriate victims of motor vehicle
25 crashes ~~accidents~~ involving persons under the influence of

1 alcohol, under the supervision of the coroner or deputy
2 coroner.

3 (b) The Program shall be operated by the appropriate
4 probation authorities of the courts of the various circuits.
5 The youthful offender ordered to participate in the Program
6 shall bear all costs associated with participation in the
7 Program. A parent or guardian of the offender may assume the
8 obligation of the offender to pay the costs of the Program. The
9 court may waive the requirement that the offender pay the costs
10 of participation in the Program upon a finding of indigency.

11 (c) As used in this Section, "appropriate victims" means
12 victims whose condition is determined by the visit supervisor
13 to demonstrate the results of motor vehicle crashes ~~accidents~~
14 involving persons under the influence of alcohol without being
15 excessively gruesome or traumatic to the observer.

16 (d) Any visitation shall include, before any observation of
17 victims or persons with disabilities, a comprehensive
18 counseling session with the visitation supervisor at which the
19 supervisor shall explain and discuss the experiences which may
20 be encountered during the visitation in order to ascertain
21 whether the visitation is appropriate.

22 (Source: P.A. 101-81, eff. 7-12-19.)

23 (625 ILCS 5/11-501.8)

24 Sec. 11-501.8. Suspension of driver's license; persons
25 under age 21.

1 (a) A person who is less than 21 years of age and who
2 drives or is in actual physical control of a motor vehicle upon
3 the public highways of this State shall be deemed to have given
4 consent to a chemical test or tests of blood, breath, other
5 bodily substance, or urine for the purpose of determining the
6 alcohol content of the person's blood if arrested, as evidenced
7 by the issuance of a Uniform Traffic Ticket for any violation
8 of the Illinois Vehicle Code or a similar provision of a local
9 ordinance, if a police officer has probable cause to believe
10 that the driver has consumed any amount of an alcoholic
11 beverage based upon evidence of the driver's physical condition
12 or other first hand knowledge of the police officer. The test
13 or tests shall be administered at the direction of the
14 arresting officer. The law enforcement agency employing the
15 officer shall designate which of the aforesaid tests shall be
16 administered. Up to 2 additional tests of urine or other bodily
17 substance may be administered even after a blood or breath test
18 or both has been administered.

19 (b) A person who is dead, unconscious, or who is otherwise
20 in a condition rendering that person incapable of refusal,
21 shall be deemed not to have withdrawn the consent provided by
22 paragraph (a) of this Section and the test or tests may be
23 administered subject to the following provisions:

24 (i) Chemical analysis of the person's blood, urine,
25 breath, or other bodily substance, to be considered valid
26 under the provisions of this Section, shall have been

1 performed according to standards promulgated by the
2 Department of State Police by an individual possessing a
3 valid permit issued by that Department for this purpose.
4 The Director of State Police is authorized to approve
5 satisfactory techniques or methods, to ascertain the
6 qualifications and competence of individuals to conduct
7 analyses, to issue permits that shall be subject to
8 termination or revocation at the direction of that
9 Department, and to certify the accuracy of breath testing
10 equipment. The Department of State Police shall prescribe
11 regulations as necessary.

12 (ii) When a person submits to a blood test at the
13 request of a law enforcement officer under the provisions
14 of this Section, only a physician authorized to practice
15 medicine, a licensed physician assistant, a licensed
16 advanced practice registered nurse, a registered nurse, or
17 other qualified person trained in venipuncture and acting
18 under the direction of a licensed physician may withdraw
19 blood for the purpose of determining the alcohol content
20 therein. This limitation does not apply to the taking of
21 breath, other bodily substance, or urine specimens.

22 (iii) The person tested may have a physician, qualified
23 technician, chemist, registered nurse, or other qualified
24 person of his or her own choosing administer a chemical
25 test or tests in addition to any test or tests administered
26 at the direction of a law enforcement officer. The failure

1 or inability to obtain an additional test by a person shall
2 not preclude the consideration of the previously performed
3 chemical test.

4 (iv) Upon a request of the person who submits to a
5 chemical test or tests at the request of a law enforcement
6 officer, full information concerning the test or tests
7 shall be made available to the person or that person's
8 attorney.

9 (v) Alcohol concentration means either grams of
10 alcohol per 100 milliliters of blood or grams of alcohol
11 per 210 liters of breath.

12 (vi) If a driver is receiving medical treatment as a
13 result of a motor vehicle crashes ~~accident~~, a physician
14 licensed to practice medicine, licensed physician
15 assistant, licensed advanced practice registered nurse,
16 registered nurse, or other qualified person trained in
17 venipuncture and acting under the direction of a licensed
18 physician shall withdraw blood for testing purposes to
19 ascertain the presence of alcohol upon the specific request
20 of a law enforcement officer. However, that testing shall
21 not be performed until, in the opinion of the medical
22 personnel on scene, the withdrawal can be made without
23 interfering with or endangering the well-being of the
24 patient.

25 (c) A person requested to submit to a test as provided
26 above shall be warned by the law enforcement officer requesting

1 the test that a refusal to submit to the test, or submission to
2 the test resulting in an alcohol concentration of more than
3 0.00, may result in the loss of that person's privilege to
4 operate a motor vehicle and may result in the disqualification
5 of the person's privilege to operate a commercial motor
6 vehicle, as provided in Section 6-514 of this Code, if the
7 person is a CDL holder. The loss of driving privileges shall be
8 imposed in accordance with Section 6-208.2 of this Code.

9 A person requested to submit to a test shall also
10 acknowledge, in writing, receipt of the warning required under
11 this Section. If the person refuses to acknowledge receipt of
12 the warning, the law enforcement officer shall make a written
13 notation on the warning that the person refused to sign the
14 warning. A person's refusal to sign the warning shall not be
15 evidence that the person was not read the warning.

16 (d) If the person refuses testing or submits to a test that
17 discloses an alcohol concentration of more than 0.00, the law
18 enforcement officer shall immediately submit a sworn report to
19 the Secretary of State on a form prescribed by the Secretary of
20 State, certifying that the test or tests were requested under
21 subsection (a) and the person refused to submit to a test or
22 tests or submitted to testing which disclosed an alcohol
23 concentration of more than 0.00. The law enforcement officer
24 shall submit the same sworn report when a person under the age
25 of 21 submits to testing under Section 11-501.1 of this Code
26 and the testing discloses an alcohol concentration of more than

1 0.00 and less than 0.08.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall enter the suspension and
4 disqualification on the individual's driving record and the
5 suspension and disqualification shall be effective on the 46th
6 day following the date notice of the suspension was given to
7 the person. If this suspension is the individual's first
8 driver's license suspension under this Section, reports
9 received by the Secretary of State under this Section shall,
10 except during the time the suspension is in effect, be
11 privileged information and for use only by the courts, police
12 officers, prosecuting authorities, the Secretary of State, or
13 the individual personally, unless the person is a CDL holder,
14 is operating a commercial motor vehicle or vehicle required to
15 be placarded for hazardous materials, in which case the
16 suspension shall not be privileged. Reports received by the
17 Secretary of State under this Section shall also be made
18 available to the parent or guardian of a person under the age
19 of 18 years that holds an instruction permit or a graduated
20 driver's license, regardless of whether the suspension is in
21 effect.

22 The law enforcement officer submitting the sworn report
23 shall serve immediate notice of this suspension on the person
24 and the suspension and disqualification shall be effective on
25 the 46th day following the date notice was given.

26 In cases where the blood alcohol concentration of more than

1 0.00 is established by a subsequent analysis of blood, other
2 bodily substance, or urine, the police officer or arresting
3 agency shall give notice as provided in this Section or by
4 deposit in the United States mail of that notice in an envelope
5 with postage prepaid and addressed to that person at his last
6 known address and the loss of driving privileges shall be
7 effective on the 46th day following the date notice was given.

8 Upon receipt of the sworn report of a law enforcement
9 officer, the Secretary of State shall also give notice of the
10 suspension and disqualification to the driver by mailing a
11 notice of the effective date of the suspension and
12 disqualification to the individual. However, should the sworn
13 report be defective by not containing sufficient information or
14 be completed in error, the notice of the suspension and
15 disqualification shall not be mailed to the person or entered
16 to the driving record, but rather the sworn report shall be
17 returned to the issuing law enforcement agency.

18 (e) A driver may contest this suspension and
19 disqualification by requesting an administrative hearing with
20 the Secretary of State in accordance with Section 2-118 of this
21 Code. An individual whose blood alcohol concentration is shown
22 to be more than 0.00 is not subject to this Section if he or she
23 consumed alcohol in the performance of a religious service or
24 ceremony. An individual whose blood alcohol concentration is
25 shown to be more than 0.00 shall not be subject to this Section
26 if the individual's blood alcohol concentration resulted only

1 from ingestion of the prescribed or recommended dosage of
2 medicine that contained alcohol. The petition for that hearing
3 shall not stay or delay the effective date of the impending
4 suspension. The scope of this hearing shall be limited to the
5 issues of:

6 (1) whether the police officer had probable cause to
7 believe that the person was driving or in actual physical
8 control of a motor vehicle upon the public highways of the
9 State and the police officer had reason to believe that the
10 person was in violation of any provision of the Illinois
11 Vehicle Code or a similar provision of a local ordinance;
12 and

13 (2) whether the person was issued a Uniform Traffic
14 Ticket for any violation of the Illinois Vehicle Code or a
15 similar provision of a local ordinance; and

16 (3) whether the police officer had probable cause to
17 believe that the driver had consumed any amount of an
18 alcoholic beverage based upon the driver's physical
19 actions or other first-hand knowledge of the police
20 officer; and

21 (4) whether the person, after being advised by the
22 officer that the privilege to operate a motor vehicle would
23 be suspended if the person refused to submit to and
24 complete the test or tests, did refuse to submit to or
25 complete the test or tests to determine the person's
26 alcohol concentration; and

1 (5) whether the person, after being advised by the
2 officer that the privileges to operate a motor vehicle
3 would be suspended if the person submits to a chemical test
4 or tests and the test or tests disclose an alcohol
5 concentration of more than 0.00, did submit to and complete
6 the test or tests that determined an alcohol concentration
7 of more than 0.00; and

8 (6) whether the test result of an alcohol concentration
9 of more than 0.00 was based upon the person's consumption
10 of alcohol in the performance of a religious service or
11 ceremony; and

12 (7) whether the test result of an alcohol concentration
13 of more than 0.00 was based upon the person's consumption
14 of alcohol through ingestion of the prescribed or
15 recommended dosage of medicine.

16 At the conclusion of the hearing held under Section 2-118
17 of this Code, the Secretary of State may rescind, continue, or
18 modify the suspension and disqualification. If the Secretary of
19 State does not rescind the suspension and disqualification, a
20 restricted driving permit may be granted by the Secretary of
21 State upon application being made and good cause shown. A
22 restricted driving permit may be granted to relieve undue
23 hardship by allowing driving for employment, educational, and
24 medical purposes as outlined in item (3) of part (c) of Section
25 6-206 of this Code. The provisions of item (3) of part (c) of
26 Section 6-206 of this Code and of subsection (f) of that

1 Section shall apply. The Secretary of State shall promulgate
2 rules providing for participation in an alcohol education and
3 awareness program or activity, a drug education and awareness
4 program or activity, or both as a condition to the issuance of
5 a restricted driving permit for suspensions imposed under this
6 Section.

7 (f) The results of any chemical testing performed in
8 accordance with subsection (a) of this Section are not
9 admissible in any civil or criminal proceeding, except that the
10 results of the testing may be considered at a hearing held
11 under Section 2-118 of this Code. However, the results of the
12 testing may not be used to impose driver's license sanctions
13 under Section 11-501.1 of this Code. A law enforcement officer
14 may, however, pursue a statutory summary suspension or
15 revocation of driving privileges under Section 11-501.1 of this
16 Code if other physical evidence or first hand knowledge forms
17 the basis of that suspension or revocation.

18 (g) This Section applies only to drivers who are under age
19 21 at the time of the issuance of a Uniform Traffic Ticket for
20 a violation of the Illinois Vehicle Code or a similar provision
21 of a local ordinance, and a chemical test request is made under
22 this Section.

23 (h) The action of the Secretary of State in suspending,
24 revoking, cancelling, or disqualifying any license or permit
25 shall be subject to judicial review in the Circuit Court of
26 Sangamon County or in the Circuit Court of Cook County, and the

1 provisions of the Administrative Review Law and its rules are
2 hereby adopted and shall apply to and govern every action for
3 the judicial review of final acts or decisions of the Secretary
4 of State under this Section.

5 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
6 100-513, eff. 1-1-18.)

7 (625 ILCS 5/11-506)

8 Sec. 11-506. Street racing; aggravated street racing.

9 (a) No person shall engage in street racing on any street
10 or highway of this State.

11 (b) No owner of any vehicle shall acquiesce in or permit
12 his or her vehicle to be used by another for the purpose of
13 street racing.

14 (c) For the purposes of this Section, the following words
15 shall have the meanings ascribed to them:

16 "Acquiesce" or "permit" means actual knowledge that the
17 motor vehicle was to be used for the purpose of street racing.

18 "Street racing" means:

19 (1) The operation of 2 or more vehicles from a point
20 side by side at accelerating speeds in a competitive
21 attempt to outdistance each other; or

22 (2) The operation of one or more vehicles over a common
23 selected course, each starting at the same point, for the
24 purpose of comparing the relative speeds or power of
25 acceleration of such vehicle or vehicles within a certain

1 distance or time limit; or

2 (3) The use of one or more vehicles in an attempt to
3 outgain or outdistance another vehicle; or

4 (4) The use of one or more vehicles to prevent another
5 vehicle from passing; or

6 (5) The use of one or more vehicles to arrive at a
7 given destination ahead of another vehicle or vehicles; or

8 (6) The use of one or more vehicles to test the
9 physical stamina or endurance of drivers over
10 long-distance driving routes.

11 (d) Penalties.

12 (1) Any person who is convicted of a violation of
13 subsection (a) shall be guilty of a Class A misdemeanor for
14 the first offense and shall be subject to a minimum fine of
15 \$250. Any person convicted of a violation of subsection (a)
16 a second or subsequent time shall be guilty of a Class 4
17 felony and shall be subject to a minimum fine of \$500. The
18 driver's license of any person convicted of subsection (a)
19 shall be revoked in the manner provided by Section 6-205 of
20 this Code.

21 (2) Any person who is convicted of a violation of
22 subsection (b) shall be guilty of a Class B misdemeanor.
23 Any person who is convicted of subsection (b) for a second
24 or subsequent time shall be guilty of a Class A
25 misdemeanor.

26 (3) Every person convicted of committing a violation of

1 subsection (a) of this Section shall be guilty of
2 aggravated street racing if the person, in committing a
3 violation of subsection (a) was involved in a motor vehicle
4 crashes ~~accident~~ that resulted in great bodily harm or
5 permanent disability or disfigurement to another, where
6 the violation was a proximate cause of the injury.
7 Aggravated street racing is a Class 4 felony for which the
8 defendant, if sentenced to a term of imprisonment shall be
9 sentenced to not less than one year nor more than 12 years.

10 (Source: P.A. 95-310, eff. 1-1-08.)

11 (625 ILCS 5/11-610) (from Ch. 95 1/2, par. 11-610)

12 Sec. 11-610. Charging Violations and Rule in Civil Actions.

13 (a) In every charge of violation of any speed regulation in
14 this article the complaint, and also the summons or notice to
15 appear, shall specify the speed at which the defendant is
16 alleged to have driven and the maximum speed applicable within
17 the district or at the location.

18 (b) The provision of this article declaring maximum speed
19 limitations shall not be construed to relieve the plaintiff in
20 any action from the burden of proving negligence on the part of
21 the defendant as the proximate cause of a crash ~~an accident~~.

22 (Source: P.A. 79-1069.)

23 (625 ILCS 5/11-1431)

24 Sec. 11-1431. Solicitations at crash ~~accident~~ or

1 disablement scene prohibited.

2 (a) A tower, as defined by Section 1-205.2 of this Code, or
3 an employee or agent of a tower may not: (i) stop at the scene
4 of a motor vehicle crash ~~accident~~ or at or near a damaged or
5 disabled vehicle for the purpose of soliciting the owner or
6 operator of the damaged or disabled vehicle to enter into a
7 towing service transaction; or (ii) stop at the scene of a
8 crash ~~an accident~~ or at or near a damaged or disabled vehicle
9 unless called to the location by a law enforcement officer, the
10 Illinois Department of Transportation, the Illinois State Toll
11 Highway Authority, a local agency having jurisdiction over the
12 highway, the owner or operator of the damaged or disabled
13 vehicle, or the owner or operator's authorized agent, including
14 his or her insurer or motor club of which the owner or operator
15 is a member. This Section shall not apply to employees of the
16 Department, the Illinois State Toll Highway Authority, or local
17 agencies when engaged in their official duties. Nothing in this
18 Section shall prevent a tower from stopping at the scene of a
19 motor vehicle crash ~~accident~~ or at or near a damaged or
20 disabled vehicle if the owner or operator signals the tower for
21 assistance from the location of the motor vehicle crash
22 ~~accident~~ or damaged or disabled vehicle.

23 (b) A person or company who violates this Section is guilty
24 of a Class 4 felony. A person convicted of violating this
25 Section shall also have his or her driver's license, permit, or
26 privileges suspended for 3 months. After the expiration of the

1 3-month suspension, the person's driver's license, permit, or
2 privileges shall not be reinstated until he or she has paid a
3 reinstatement fee of \$100. If a person violates this Section
4 while his or her driver's license, permit, or privileges are
5 suspended under this subsection (b), his or her driver's
6 license, permit, or privileges shall be suspended for an
7 additional 6 months, and shall not be reinstated after the
8 expiration of the 6-month suspension until he or she pays a
9 reinstatement fee of \$100. A vehicle owner, or his or her
10 authorized agent or automobile insurer, may bring a claim
11 against a company or person who willfully and materially
12 violates this Section. A court may award the prevailing party
13 reasonable attorney's fees, costs, and expenses relating to
14 that action.

15 (Source: P.A. 99-438, eff. 1-1-16; 99-848, eff. 8-19-16;
16 100-201, eff. 8-18-17.)

17 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

18 Sec. 12-215. Oscillating, rotating or flashing lights on
19 motor vehicles. Except as otherwise provided in this Code:

20 (a) The use of red or white oscillating, rotating or
21 flashing lights, whether lighted or unlighted, is prohibited
22 except on:

23 1. Law enforcement vehicles of State, Federal or local
24 authorities;

25 2. A vehicle operated by a police officer or county

1 coroner and designated or authorized by local authorities,
2 in writing, as a law enforcement vehicle; however, such
3 designation or authorization must be carried in the
4 vehicle;

5 2.1. A vehicle operated by a fire chief, deputy fire
6 chief, or assistant fire chief who has completed an
7 emergency vehicle operation training course approved by
8 the Office of the State Fire Marshal and designated or
9 authorized by local authorities, in writing, as a fire
10 department, fire protection district, or township fire
11 department vehicle; however, the designation or
12 authorization must be carried in the vehicle, and the
13 lights may be visible or activated only when responding to
14 a bona fide emergency;

15 3. Vehicles of local fire departments and State or
16 federal firefighting vehicles;

17 4. Vehicles which are designed and used exclusively as
18 ambulances or rescue vehicles; furthermore, such lights
19 shall not be lighted except when responding to an emergency
20 call for and while actually conveying the sick or injured;

21 4.5. Vehicles which are occasionally used as rescue
22 vehicles that have been authorized for use as rescue
23 vehicles by a volunteer EMS provider, provided that the
24 operator of the vehicle has successfully completed an
25 emergency vehicle operation training course recognized by
26 the Department of Public Health; furthermore, the lights

1 shall not be lighted except when responding to an emergency
2 call for the sick or injured;

3 5. Tow trucks licensed in a state that requires such
4 lights; furthermore, such lights shall not be lighted on
5 any such tow truck while the tow truck is operating in the
6 State of Illinois;

7 6. Vehicles of the Illinois Emergency Management
8 Agency, vehicles of the Office of the Illinois State Fire
9 Marshal, vehicles of the Illinois Department of Public
10 Health, vehicles of the Illinois Department of
11 Corrections, and vehicles of the Illinois Department of
12 Juvenile Justice;

13 7. Vehicles operated by a local or county emergency
14 management services agency as defined in the Illinois
15 Emergency Management Agency Act;

16 8. School buses operating alternately flashing head
17 lamps as permitted under Section 12-805 of this Code;

18 9. Vehicles that are equipped and used exclusively as
19 organ transplant vehicles when used in combination with
20 blue oscillating, rotating, or flashing lights;
21 furthermore, these lights shall be lighted only when the
22 transportation is declared an emergency by a member of the
23 transplant team or a representative of the organ
24 procurement organization;

25 10. Vehicles of the Illinois Department of Natural
26 Resources that are used for mine rescue and explosives

1 emergency response;

2 11. Vehicles of the Illinois Department of
3 Transportation identified as Emergency Traffic Patrol; the
4 lights shall not be lighted except when responding to an
5 emergency call or when parked or stationary while engaged
6 in motor vehicle assistance or at the scene of the
7 emergency; and

8 12. Vehicles of the Illinois State Toll Highway
9 Authority with a gross vehicle weight rating of 9,000
10 pounds or more and those identified as Highway Emergency
11 Lane Patrol; the lights shall not be lighted except when
12 responding to an emergency call or when parked or
13 stationary while engaged in motor vehicle assistance or at
14 the scene of the emergency.

15 (b) The use of amber oscillating, rotating or flashing
16 lights, whether lighted or unlighted, is prohibited except on:

17 1. Second division vehicles designed and used for
18 towing or hoisting vehicles; furthermore, such lights
19 shall not be lighted except as required in this paragraph
20 1; such lights shall be lighted when such vehicles are
21 actually being used at the scene of a crash ~~an accident~~ or
22 disablement; if the towing vehicle is equipped with a flat
23 bed that supports all wheels of the vehicle being
24 transported, the lights shall not be lighted while the
25 vehicle is engaged in towing on a highway; if the towing
26 vehicle is not equipped with a flat bed that supports all

1 wheels of a vehicle being transported, the lights shall be
2 lighted while the towing vehicle is engaged in towing on a
3 highway during all times when the use of headlights is
4 required under Section 12-201 of this Code; in addition,
5 these vehicles may use white oscillating, rotating, or
6 flashing lights in combination with amber oscillating,
7 rotating, or flashing lights as provided in this paragraph;

8 2. Motor vehicles or equipment of the State of
9 Illinois, the Illinois State Toll Highway Authority, local
10 authorities and contractors; furthermore, such lights
11 shall not be lighted except while such vehicles are engaged
12 in maintenance or construction operations within the
13 limits of construction projects;

14 3. Vehicles or equipment used by engineering or survey
15 crews; furthermore, such lights shall not be lighted except
16 while such vehicles are actually engaged in work on a
17 highway;

18 4. Vehicles of public utilities, municipalities, or
19 other construction, maintenance or automotive service
20 vehicles except that such lights shall be lighted only as a
21 means for indicating the presence of a vehicular traffic
22 hazard requiring unusual care in approaching, overtaking
23 or passing while such vehicles are engaged in maintenance,
24 service or construction on a highway;

25 5. Oversized vehicle or load; however, such lights
26 shall only be lighted when moving under permit issued by

1 the Department under Section 15-301 of this Code;

2 6. The front and rear of motorized equipment owned and
3 operated by the State of Illinois or any political
4 subdivision thereof, which is designed and used for removal
5 of snow and ice from highways;

6 6.1. The front and rear of motorized equipment or
7 vehicles that (i) are not owned by the State of Illinois or
8 any political subdivision of the State, (ii) are designed
9 and used for removal of snow and ice from highways and
10 parking lots, and (iii) are equipped with a snow plow that
11 is 12 feet in width; these lights may not be lighted except
12 when the motorized equipment or vehicle is actually being
13 used for those purposes on behalf of a unit of government;

14 7. Fleet safety vehicles registered in another state,
15 furthermore, such lights shall not be lighted except as
16 provided for in Section 12-212 of this Code;

17 8. Such other vehicles as may be authorized by local
18 authorities;

19 9. Law enforcement vehicles of State or local
20 authorities when used in combination with red oscillating,
21 rotating or flashing lights;

22 9.5. Propane delivery trucks;

23 10. Vehicles used for collecting or delivering mail for
24 the United States Postal Service provided that such lights
25 shall not be lighted except when such vehicles are actually
26 being used for such purposes;

1 10.5. Vehicles of the Office of the Illinois State Fire
2 Marshal, provided that such lights shall not be lighted
3 except for when such vehicles are engaged in work for the
4 Office of the Illinois State Fire Marshal;

5 11. Any vehicle displaying a slow-moving vehicle
6 emblem as provided in Section 12-205.1;

7 12. All trucks equipped with self-compactors or
8 roll-off hoists and roll-on containers for garbage,
9 recycling, or refuse hauling. Such lights shall not be
10 lighted except when such vehicles are actually being used
11 for such purposes;

12 13. Vehicles used by a security company, alarm
13 responder, control agency, or the Illinois Department of
14 Corrections;

15 14. Security vehicles of the Department of Human
16 Services; however, the lights shall not be lighted except
17 when being used for security related purposes under the
18 direction of the superintendent of the facility where the
19 vehicle is located; and

20 15. Vehicles of union representatives, except that the
21 lights shall be lighted only while the vehicle is within
22 the limits of a construction project.

23 (c) The use of blue oscillating, rotating or flashing
24 lights, whether lighted or unlighted, is prohibited except on:

25 1. Rescue squad vehicles not owned by a fire department
26 and vehicles owned or operated by a:

1 voluntary firefighter;
2 paid firefighter;
3 part-paid firefighter;
4 call firefighter;
5 member of the board of trustees of a fire
6 protection district;
7 paid or unpaid member of a rescue squad;
8 paid or unpaid member of a voluntary ambulance
9 unit; or
10 paid or unpaid members of a local or county
11 emergency management services agency as defined in the
12 Illinois Emergency Management Agency Act, designated
13 or authorized by local authorities, in writing, and
14 carrying that designation or authorization in the
15 vehicle.

16 However, such lights are not to be lighted except when
17 responding to a bona fide emergency or when parked or
18 stationary at the scene of a fire, rescue call, ambulance
19 call, or motor vehicle crash ~~accident~~.

20 Any person using these lights in accordance with this
21 subdivision (c)1 must carry on his or her person an
22 identification card or letter identifying the bona fide
23 member of a fire department, fire protection district,
24 rescue squad, ambulance unit, or emergency management
25 services agency that owns or operates that vehicle. The
26 card or letter must include:

1 (A) the name of the fire department, fire
2 protection district, rescue squad, ambulance unit, or
3 emergency management services agency;

4 (B) the member's position within the fire
5 department, fire protection district, rescue squad,
6 ambulance unit, or emergency management services
7 agency;

8 (C) the member's term of service; and

9 (D) the name of a person within the fire
10 department, fire protection district, rescue squad,
11 ambulance unit, or emergency management services
12 agency to contact to verify the information provided.

13 2. Police department vehicles in cities having a
14 population of 500,000 or more inhabitants.

15 3. Law enforcement vehicles of State or local
16 authorities when used in combination with red oscillating,
17 rotating or flashing lights.

18 4. Vehicles of local fire departments and State or
19 federal firefighting vehicles when used in combination
20 with red oscillating, rotating or flashing lights.

21 5. Vehicles which are designed and used exclusively as
22 ambulances or rescue vehicles when used in combination with
23 red oscillating, rotating or flashing lights; furthermore,
24 such lights shall not be lighted except when responding to
25 an emergency call.

26 6. Vehicles that are equipped and used exclusively as

1 organ transport vehicles when used in combination with red
2 oscillating, rotating, or flashing lights; furthermore,
3 these lights shall only be lighted when the transportation
4 is declared an emergency by a member of the transplant team
5 or a representative of the organ procurement organization.

6 7. Vehicles of the Illinois Emergency Management
7 Agency, vehicles of the Office of the Illinois State Fire
8 Marshal, vehicles of the Illinois Department of Public
9 Health, vehicles of the Illinois Department of
10 Corrections, and vehicles of the Illinois Department of
11 Juvenile Justice, when used in combination with red
12 oscillating, rotating, or flashing lights.

13 8. Vehicles operated by a local or county emergency
14 management services agency as defined in the Illinois
15 Emergency Management Agency Act, when used in combination
16 with red oscillating, rotating, or flashing lights.

17 9. Vehicles of the Illinois Department of Natural
18 Resources that are used for mine rescue and explosives
19 emergency response, when used in combination with red
20 oscillating, rotating, or flashing lights.

21 (c-1) In addition to the blue oscillating, rotating, or
22 flashing lights permitted under subsection (c), and
23 notwithstanding subsection (a), a vehicle operated by a
24 voluntary firefighter, a voluntary member of a rescue squad, or
25 a member of a voluntary ambulance unit may be equipped with
26 flashing white headlights and blue grill lights, which may be

1 used only in responding to an emergency call or when parked or
2 stationary at the scene of a fire, rescue call, ambulance call,
3 or motor vehicle crash ~~accident~~.

4 (c-2) In addition to the blue oscillating, rotating, or
5 flashing lights permitted under subsection (c), and
6 notwithstanding subsection (a), a vehicle operated by a paid or
7 unpaid member of a local or county emergency management
8 services agency as defined in the Illinois Emergency Management
9 Agency Act, may be equipped with white oscillating, rotating,
10 or flashing lights to be used in combination with blue
11 oscillating, rotating, or flashing lights, if authorization by
12 local authorities is in writing and carried in the vehicle.

13 (d) The use of a combination of amber and white
14 oscillating, rotating or flashing lights, whether lighted or
15 unlighted, is prohibited except on second division vehicles
16 designed and used for towing or hoisting vehicles or motor
17 vehicles or equipment of the State of Illinois, local
18 authorities, contractors, and union representatives;
19 furthermore, such lights shall not be lighted on second
20 division vehicles designed and used for towing or hoisting
21 vehicles or vehicles of the State of Illinois, local
22 authorities, and contractors except while such vehicles are
23 engaged in a tow operation, highway maintenance, or
24 construction operations within the limits of highway
25 construction projects, and shall not be lighted on the vehicles
26 of union representatives except when those vehicles are within

1 the limits of a construction project.

2 (e) All oscillating, rotating or flashing lights referred
3 to in this Section shall be of sufficient intensity, when
4 illuminated, to be visible at 500 feet in normal sunlight.

5 (f) Nothing in this Section shall prohibit a manufacturer
6 of oscillating, rotating or flashing lights or his
7 representative or authorized vendor from temporarily mounting
8 such lights on a vehicle for demonstration purposes only. If
9 the lights are not covered while the vehicle is operated upon a
10 highway, the vehicle shall display signage indicating that the
11 vehicle is out of service or not an emergency vehicle. The
12 signage shall be displayed on all sides of the vehicle in
13 letters at least 2 inches tall and one-half inch wide. A
14 vehicle authorized to have oscillating, rotating, or flashing
15 lights mounted for demonstration purposes may not activate the
16 lights while the vehicle is operated upon a highway.

17 (g) Any person violating the provisions of subsections (a),
18 (b), (c) or (d) of this Section who without lawful authority
19 stops or detains or attempts to stop or detain another person
20 shall be guilty of a Class 2 felony.

21 (h) Except as provided in subsection (g) above, any person
22 violating the provisions of subsections (a) or (c) of this
23 Section shall be guilty of a Class A misdemeanor.

24 (Source: P.A. 100-62, eff. 8-11-17; 101-56, eff. 1-1-20.)

25 (625 ILCS 5/12-604.1)

1 Sec. 12-604.1. Video devices.

2 (a) A person may not operate a motor vehicle if a
3 television receiver, a video monitor, a television or video
4 screen, or any other similar means of visually displaying a
5 television broadcast or video signal that produces
6 entertainment or business applications is operating and is
7 located in the motor vehicle at any point forward of the back
8 of the driver's seat, or is operating and visible to the driver
9 while driving the motor vehicle.

10 (a-5) A person commits aggravated use of a video device
11 when he or she violates subsection (a) and in committing the
12 violation he or she was involved in a motor vehicle crash
13 ~~accident~~ that results in great bodily harm, permanent
14 disability, disfigurement, or death to another and the
15 violation was a proximate cause of the injury or death.

16 (b) This Section does not apply to the following equipment,
17 whether or not permanently installed in a vehicle:

18 (1) a vehicle information display;

19 (2) a global positioning display;

20 (3) a mapping or navigation display;

21 (4) a visual display used to enhance or supplement the
22 driver's view forward, behind, or to the sides of a motor
23 vehicle for the purpose of maneuvering the vehicle;

24 (5) television-type receiving equipment used
25 exclusively for safety or traffic engineering studies; or

26 (6) a television receiver, video monitor, television

1 or video screen, or any other similar means of visually
2 displaying a television broadcast or video signal, if that
3 equipment has an interlock device that, when the motor
4 vehicle is driven, disables the equipment for all uses
5 except as a visual display as described in paragraphs (1)
6 through (5) of this subsection (b).

7 (c) This Section does not apply to a mobile, digital
8 terminal installed in an authorized emergency vehicle, a motor
9 vehicle providing emergency road service or roadside
10 assistance, or to motor vehicles utilized for public
11 transportation.

12 (d) This Section does not apply to a television receiver,
13 video monitor, television or video screen, or any other similar
14 means of visually displaying a television broadcast or video
15 signal if: (i) the equipment is permanently installed in the
16 motor vehicle; and (ii) the moving entertainment images that
17 the equipment displays are not visible to the driver while the
18 motor vehicle is in motion.

19 (d-5) This Section does not apply to a video event
20 recorder, as defined in Section 1-218.10 of this Code,
21 installed in a contract carrier vehicle.

22 (e) Except as provided in subsection (f) of this Section, a
23 person convicted of violating this Section is guilty of a petty
24 offense and shall be fined not more than \$100 for a first
25 offense, not more than \$200 for a second offense within one
26 year of a previous conviction, and not more than \$250 for a

1 third or subsequent offense within one year of 2 previous
2 convictions.

3 (f) A person convicted of violating subsection (a-5)
4 commits a Class A misdemeanor if the violation resulted in
5 great bodily harm, permanent disability, or disfigurement to
6 another. A person convicted of violating subsection (a-5)
7 commits a Class 4 felony if the violation resulted in the death
8 of another person.

9 (Source: P.A. 98-507, eff. 1-1-14; 99-689, eff. 1-1-17.)

10 (625 ILCS 5/12-610.1)

11 Sec. 12-610.1. Wireless telephones.

12 (a) As used in this Section, "wireless telephone" means a
13 device that is capable of transmitting or receiving telephonic
14 communications without a wire connecting the device to the
15 telephone network.

16 (b) A person under the age of 19 years who holds an
17 instruction permit issued under Section 6-105 or 6-107.1, or a
18 person under the age of 19 years who holds a graduated license
19 issued under Section 6-107, may not drive a vehicle on a
20 roadway while using a wireless phone.

21 (b-5) A person under the age of 19 commits aggravated use
22 of a wireless telephone when he or she violates subsection (b)
23 and in committing the violation he or she was involved in a
24 motor vehicle crash ~~accident~~ that results in great bodily harm,
25 permanent disability, disfigurement, or death to another and

1 the violation was a proximate cause of the injury or death.

2 (c) This Section does not apply to a person under the age
3 of 19 years using a wireless telephone for emergency purposes,
4 including, but not limited to, an emergency call to a law
5 enforcement agency, health care provider, fire department, or
6 other emergency services agency or entity.

7 (d) If a graduated driver's license holder over the age of
8 18 committed an offense against traffic regulations governing
9 the movement of vehicles or any violation of Section 6-107 or
10 Section 12-603.1 of this Code in the 6 months prior to the
11 graduated driver's license holder's 18th birthday, and was
12 subsequently convicted of the violation, the provisions of
13 paragraph (b) shall continue to apply until such time as a
14 period of 6 consecutive months has elapsed without an
15 additional violation and subsequent conviction of an offense
16 against traffic regulations governing the movement of vehicles
17 or any violation of Section 6-107 or Section 12-603.1 of this
18 Code.

19 (e) A person, regardless of age, may not use a wireless
20 telephone at any time while operating a motor vehicle on a
21 roadway in a school speed zone established under Section
22 11-605, on a highway in a construction or maintenance speed
23 zone established under Section 11-605.1, or within 500 feet of
24 an emergency scene. As used in this Section, "emergency scene"
25 means a location where an authorized emergency vehicle as
26 defined by Section 1-105 of this Code is present and has

1 activated its oscillating, rotating, or flashing lights. This
2 subsection (e) does not apply to (i) a person engaged in a
3 highway construction or maintenance project for which a
4 construction or maintenance speed zone has been established
5 under Section 11-605.1, (ii) a person using a wireless
6 telephone for emergency purposes, including, but not limited
7 to, law enforcement agency, health care provider, fire
8 department, or other emergency services agency or entity, (iii)
9 a law enforcement officer or operator of an emergency vehicle
10 when performing the officer's or operator's official duties,
11 (iv) a person using a wireless telephone in voice-operated
12 mode, which may include the use of a headset, (v) a person
13 using a wireless telephone by pressing a single button to
14 initiate or terminate a voice communication, or (vi) a person
15 using an electronic communication device for the sole purpose
16 of reporting an emergency situation and continued
17 communication with emergency personnel during the emergency
18 situation.

19 (e-5) A person commits aggravated use of a wireless
20 telephone when he or she violates subsection (e) and in
21 committing the violation he or she was involved in a motor
22 vehicle crash ~~accident~~ that results in great bodily harm,
23 permanent disability, disfigurement, or death to another and
24 the violation was a proximate cause of the injury or death.

25 (f) A person convicted of violating subsection (b-5) or
26 (e-5) commits a Class A misdemeanor if the violation resulted

1 in great bodily harm, permanent disability, or disfigurement to
2 another. A person convicted of violating subsection (b-5) or
3 (e-5) commits a Class 4 felony if the violation resulted in the
4 death of another person.

5 (Source: P.A. 97-828, eff. 7-20-12; 97-830, eff. 1-1-13;
6 98-463, eff. 8-16-13; 98-507, eff. 1-1-14.)

7 (625 ILCS 5/12-610.2)

8 (Text of Section before amendment by P.A. 101-90)

9 Sec. 12-610.2. Electronic communication devices.

10 (a) As used in this Section:

11 "Electronic communication device" means an electronic
12 device, including, but not limited to, a hand-held wireless
13 telephone, hand-held personal digital assistant, or a portable
14 or mobile computer, but does not include a global positioning
15 system or navigation system or a device that is physically or
16 electronically integrated into the motor vehicle.

17 (b) A person may not operate a motor vehicle on a roadway
18 while using an electronic communication device, including
19 using an electronic communication device to watch or stream
20 video.

21 (b-5) A person commits aggravated use of an electronic
22 communication device when he or she violates subsection (b) and
23 in committing the violation he or she is involved in a motor
24 vehicle crash ~~accident~~ that results in great bodily harm,
25 permanent disability, disfigurement, or death to another and

1 the violation is a proximate cause of the injury or death.

2 (c) A violation of this Section is an offense against
3 traffic regulations governing the movement of vehicles. A
4 person who violates this Section shall be fined a maximum of
5 \$75 for a first offense, \$100 for a second offense, \$125 for a
6 third offense, and \$150 for a fourth or subsequent offense.

7 (d) This Section does not apply to:

8 (1) a law enforcement officer or operator of an
9 emergency vehicle while performing his or her official
10 duties;

11 (1.5) a first responder, including a volunteer first
12 responder, while operating his or her own personal motor
13 vehicle using an electronic communication device for the
14 sole purpose of receiving information about an emergency
15 situation while en route to performing his or her official
16 duties;

17 (2) a driver using an electronic communication device
18 for the sole purpose of reporting an emergency situation
19 and continued communication with emergency personnel
20 during the emergency situation;

21 (3) a driver using an electronic communication device
22 in hands-free or voice-operated mode, which may include the
23 use of a headset;

24 (4) a driver of a commercial motor vehicle reading a
25 message displayed on a permanently installed communication
26 device designed for a commercial motor vehicle with a

1 screen that does not exceed 10 inches tall by 10 inches
2 wide in size;

3 (5) a driver using an electronic communication device
4 while parked on the shoulder of a roadway;

5 (6) a driver using an electronic communication device
6 when the vehicle is stopped due to normal traffic being
7 obstructed and the driver has the motor vehicle
8 transmission in neutral or park;

9 (7) a driver using two-way or citizens band radio
10 services;

11 (8) a driver using two-way mobile radio transmitters or
12 receivers for licensees of the Federal Communications
13 Commission in the amateur radio service;

14 (9) a driver using an electronic communication device
15 by pressing a single button to initiate or terminate a
16 voice communication; or

17 (10) a driver using an electronic communication device
18 capable of performing multiple functions, other than a
19 hand-held wireless telephone or hand-held personal digital
20 assistant (for example, a fleet management system,
21 dispatching device, citizens band radio, or music player)
22 for a purpose that is not otherwise prohibited by this
23 Section.

24 (e) A person convicted of violating subsection (b-5)
25 commits a Class A misdemeanor if the violation resulted in
26 great bodily harm, permanent disability, or disfigurement to

1 another. A person convicted of violating subsection (b-5)
2 commits a Class 4 felony if the violation resulted in the death
3 of another person.

4 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
5 101-81, eff. 7-12-19; 101-297, eff. 1-1-20.)

6 (Text of Section after amendment by P.A. 101-90)
7 Sec. 12-610.2. Electronic communication devices.

8 (a) As used in this Section:

9 "Electronic communication device" means an electronic
10 device, including, but not limited to, a hand-held wireless
11 telephone, hand-held personal digital assistant, or a portable
12 or mobile computer, but does not include a global positioning
13 system or navigation system or a device that is physically or
14 electronically integrated into the motor vehicle.

15 (b) A person may not operate a motor vehicle on a roadway
16 while using an electronic communication device, including
17 using an electronic communication device to watch or stream
18 video.

19 (b-5) A person commits aggravated use of an electronic
20 communication device when he or she violates subsection (b) and
21 in committing the violation he or she is involved in a motor
22 vehicle crash ~~accident~~ that results in great bodily harm,
23 permanent disability, disfigurement, or death to another and
24 the violation is a proximate cause of the injury or death.

25 (c) A violation of this Section is an offense against

1 traffic regulations governing the movement of vehicles. A
2 person who violates this Section shall be fined a maximum of
3 \$75 for a first offense, \$100 for a second offense, \$125 for a
4 third offense, and \$150 for a fourth or subsequent offense,
5 except that a person who violates subsection (b-5) shall be
6 assessed a minimum fine of \$1,000.

7 (d) This Section does not apply to:

8 (1) a law enforcement officer or operator of an
9 emergency vehicle while performing his or her official
10 duties;

11 (1.5) a first responder, including a volunteer first
12 responder, while operating his or her own personal motor
13 vehicle using an electronic communication device for the
14 sole purpose of receiving information about an emergency
15 situation while en route to performing his or her official
16 duties;

17 (2) a driver using an electronic communication device
18 for the sole purpose of reporting an emergency situation
19 and continued communication with emergency personnel
20 during the emergency situation;

21 (3) a driver using an electronic communication device
22 in hands-free or voice-operated mode, which may include the
23 use of a headset;

24 (4) a driver of a commercial motor vehicle reading a
25 message displayed on a permanently installed communication
26 device designed for a commercial motor vehicle with a

1 screen that does not exceed 10 inches tall by 10 inches
2 wide in size;

3 (5) a driver using an electronic communication device
4 while parked on the shoulder of a roadway;

5 (6) a driver using an electronic communication device
6 when the vehicle is stopped due to normal traffic being
7 obstructed and the driver has the motor vehicle
8 transmission in neutral or park;

9 (7) a driver using two-way or citizens band radio
10 services;

11 (8) a driver using two-way mobile radio transmitters or
12 receivers for licensees of the Federal Communications
13 Commission in the amateur radio service;

14 (9) a driver using an electronic communication device
15 by pressing a single button to initiate or terminate a
16 voice communication; or

17 (10) a driver using an electronic communication device
18 capable of performing multiple functions, other than a
19 hand-held wireless telephone or hand-held personal digital
20 assistant (for example, a fleet management system,
21 dispatching device, citizens band radio, or music player)
22 for a purpose that is not otherwise prohibited by this
23 Section.

24 (e) A person convicted of violating subsection (b-5)
25 commits a Class A misdemeanor if the violation resulted in
26 great bodily harm, permanent disability, or disfigurement to

1 another. A person convicted of violating subsection (b-5)
2 commits a Class 4 felony if the violation resulted in the death
3 of another person.

4 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
5 101-81, eff. 7-12-19; 101-90, eff. 7-1-20; 101-297, eff.
6 1-1-20; revised 9-24-19.)

7 (625 ILCS 5/12-707.01) (from Ch. 95 1/2, par. 12-707.01)
8 Sec. 12-707.01. Liability insurance.

9 (a) No school bus, first division vehicle including a taxi
10 which is used for a purpose that requires a school bus driver
11 permit, commuter van or motor vehicle owned by or used for hire
12 by and in connection with the operation of private or public
13 schools, day camps, summer camps or nursery schools, and no
14 commuter van or passenger car used for a for-profit ridesharing
15 arrangement, shall be operated for such purposes unless the
16 owner thereof shall carry a minimum of personal injury
17 liability insurance in the amount of \$25,000 for any one person
18 in any one crash ~~accident~~, and subject to the limit for one
19 person, \$100,000 for two or more persons injured by reason of
20 the operation of the vehicle in any one crash ~~accident~~. This
21 subsection (a) applies only to personal injury liability
22 policies issued or renewed before January 1, 2013.

23 (b) Liability insurance policies issued or renewed on and
24 after January 1, 2013 shall comply with the following:

25 (1) except as provided in subparagraph (2) of this

1 subsection (b), any vehicle that is used for a purpose that
2 requires a school bus driver permit under Section 6-104 of
3 this Code shall carry a minimum of liability insurance in
4 the amount of \$2,000,000. This minimum insurance
5 requirement may be satisfied by either (i) a \$2,000,000
6 combined single limit primary commercial automobile
7 policy; or (ii) a \$1 million primary commercial automobile
8 policy and a minimum \$5,000,000 excess or umbrella
9 liability policy;

10 (2) any vehicle that is used for a purpose that
11 requires a school bus driver permit under Section 6-104 of
12 this Code and is used in connection with the operation of
13 private day care facilities, day camps, summer camps, or
14 nursery schools shall carry a minimum of liability
15 insurance in the amount of \$1,000,000 combined single limit
16 per crash accident;

17 (3) any commuter van or passenger car used for a
18 for-profit ridesharing arrangement shall carry a minimum
19 of liability insurance in the amount of \$500,000 combined
20 single limit per crash accident.

21 (c) Primary insurance coverage under the provisions of this
22 Section must be provided by a licensed and admitted insurance
23 carrier or an intergovernmental cooperative formed under
24 Section 10 of Article VII of the Illinois Constitution, or
25 Section 6 or 9 of the Intergovernmental Cooperation Act, or
26 provided by a certified self-insurer under Section 7-502 of

1 this Code. The excess or umbrella liability coverage
2 requirement may be met by securing surplus line insurance as
3 defined under Section 445 of the Illinois Insurance Code. If
4 the excess or umbrella liability coverage requirement is met by
5 securing surplus line insurance, that coverage must be effected
6 through a licensed surplus line producer acting under the
7 surplus line insurance laws and regulations of this State.
8 Nothing in this subsection (c) shall be construed as
9 prohibiting a licensed and admitted insurance carrier or an
10 intergovernmental cooperative formed under Section 10 of
11 Article VII of the Illinois Constitution, or Section 6 or 9 of
12 the Intergovernmental Cooperation Act, or a certified
13 self-insurer under Section 7-502 of this Code, from retaining
14 the risk required under paragraphs (1) and (2) of subsection
15 (b) of this Section or issuing a single primary policy meeting
16 the requirements of paragraphs (1) and (2) of subsection (b).

17 (d) Each owner of a vehicle required to obtain the minimum
18 liability requirements under subsection (b) of this Section
19 shall attest that the vehicle meets the minimum insurance
20 requirements under this Section. The Secretary of State shall
21 create a form for each owner of a vehicle to attest that the
22 owner meets the minimum insurance requirements and the owner of
23 the vehicle shall submit the form with each registration
24 application. The form shall be valid for the full registration
25 period; however, if at any time the Secretary has reason to
26 believe that the owner does not have the minimum required

1 amount of insurance for a vehicle, then the Secretary may
2 require a certificate of insurance, or its equivalent, to
3 ensure the vehicle is insured. If the owner fails to produce a
4 certificate of insurance, or its equivalent, within 2 calendar
5 days after the request was made, then the Secretary may revoke
6 the vehicle owner's registration until the Secretary is assured
7 the vehicle meets the minimum insurance requirements. If the
8 owner of a vehicle participates in an intergovernmental
9 cooperative or is self-insured, then the owner shall attest
10 that the insurance required under this Section is equivalent to
11 or greater than the insurance required under paragraph (1) of
12 subsection (b) of this Section. The Secretary may adopt any
13 rules necessary to enforce the provisions of this subsection
14 (d).

15 (Source: P.A. 99-595, eff. 1-1-17.)

16 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

17 Sec. 13-109. Safety test prior to application for license -
18 Subsequent tests - Repairs - Retest.

19 (a) Except as otherwise provided in Chapter 13, each second
20 division vehicle, first division vehicle including a taxi which
21 is used for a purpose that requires a school bus driver permit,
22 and medical transport vehicle, except those vehicles other than
23 school buses or medical transport vehicles owned or operated by
24 a municipal corporation or political subdivision having a
25 population of 1,000,000 or more inhabitants which are subjected

1 to safety tests imposed by local ordinance or resolution,
2 operated in whole or in part over the highways of this State,
3 motor vehicle used for driver education training, and each
4 vehicle designed to carry 15 or fewer passengers operated by a
5 contract carrier transporting employees in the course of their
6 employment on a highway of this State, shall be subjected to
7 the safety test provided for in Chapter 13 of this Code. Tests
8 shall be conducted at an official testing station within 6
9 months prior to the application for registration as provided
10 for in this Code. Subsequently each vehicle shall be subject to
11 tests (i) at least every 6 months, (ii) in the case of school
12 buses and first division vehicles including taxis which are
13 used for a purpose that requires a school bus driver permit, at
14 least every 6 months or 10,000 miles, whichever occurs first,
15 (iii) in the case of driver education vehicles used by public
16 high schools, at least every 12 months for vehicles over 5
17 model years of age or having an odometer reading of over 75,000
18 miles, whichever occurs first, or (iv) in the case of truck
19 tractors, semitrailers, and property-carrying vehicles
20 registered for a gross weight of more than 10,000 pounds but
21 less than 26,001 pounds, at least every 12 months, and
22 according to schedules established by rules and regulations
23 promulgated by the Department. Any component subject to regular
24 inspection which is damaged in a reportable crash ~~accident~~ must
25 be reinspected before the bus or first division vehicle
26 including a taxi which is used for a purpose that requires a

1 school bus driver permit is returned to service.

2 (b) The Department shall also conduct periodic
3 nonscheduled inspections of school buses, of buses registered
4 as charitable vehicles and of religious organization buses. If
5 such inspection reveals that a vehicle is not in substantial
6 compliance with the rules promulgated by the Department, the
7 Department shall remove the Certificate of Safety from the
8 vehicle, and shall place the vehicle out-of-service. A bright
9 orange, triangular decal shall be placed on an out-of-service
10 vehicle where the Certificate of Safety has been removed. The
11 vehicle must pass a safety test at an official testing station
12 before it is again placed in service.

13 (c) If the violation is not substantial a bright yellow,
14 triangular sticker shall be placed next to the Certificate of
15 Safety at the time the nonscheduled inspection is made. The
16 Department shall reinspect the vehicle after 3 working days to
17 determine that the violation has been corrected and remove the
18 yellow, triangular decal. If the violation is not corrected
19 within 3 working days, the Department shall place the vehicle
20 out-of-service in accordance with procedures in subsection
21 (b).

22 (d) If a violation is not substantial and does not directly
23 affect the safe operation of the vehicle, the Department shall
24 issue a warning notice requiring correction of the violation.
25 Such correction shall be accomplished as soon as practicable
26 and a report of the correction shall be made to the Department

1 within 30 days in a manner established by the Department. If
2 the Department has not been advised that the corrections have
3 been made, and the violations still exist, the Department shall
4 place the vehicle out-of-service in accordance with procedures
5 in subsection (b).

6 (e) The Department is authorized to promulgate regulations
7 to implement its program of nonscheduled inspections. Causing
8 or allowing the operation of an out-of-service vehicle with
9 passengers or unauthorized removal of an out-of-service
10 sticker is a Class 3 felony. Causing or allowing the operation
11 of a vehicle with a 3-day sticker for longer than 3 days with
12 the sticker attached or the unauthorized removal of a 3-day
13 sticker is a Class C misdemeanor.

14 (f) If a second division vehicle, first division vehicle
15 including a taxi which is used for a purpose that requires a
16 school bus driver permit, medical transport vehicle, or vehicle
17 operated by a contract carrier as provided in subsection (a) of
18 this Section is in safe mechanical condition, as determined
19 pursuant to Chapter 13, the operator of the official testing
20 station must at once issue to the second division vehicle,
21 first division vehicle including a taxi which is used for a
22 purpose that requires a school bus driver permit, or medical
23 transport vehicle a certificate of safety, in the form and
24 manner prescribed by the Department, which shall be affixed to
25 the vehicle by the certified safety tester who performed the
26 safety tests. The owner of the second division vehicle, first

1 division vehicle including a taxi which is used for a purpose
2 that requires a school bus driver permit, or medical transport
3 vehicle or the contract carrier shall at all times display the
4 Certificate of Safety on the second division vehicle, first
5 division vehicle including a taxi which is used for a purpose
6 that requires a school bus driver permit, medical transport
7 vehicle, or vehicle operated by a contract carrier in the
8 manner prescribed by the Department.

9 (g) If a test shows that a second division vehicle, first
10 division vehicle including a taxi which is used for a purpose
11 that requires a school bus driver permit, medical transport
12 vehicle, or vehicle operated by a contract carrier is not in
13 safe mechanical condition as provided in this Section, it shall
14 not be operated on the highways until it has been repaired and
15 submitted to a retest at an official testing station. If the
16 owner or contract carrier submits the vehicle to a retest at a
17 different official testing station from that where it failed to
18 pass the first test, he or she shall present to the operator of
19 the second station the report of the original test, and shall
20 notify the Department in writing, giving the name and address
21 of the original testing station and the defects which prevented
22 the issuance of a Certificate of Safety, and the name and
23 address of the second official testing station making the
24 retest.

25 (Source: P.A. 100-160, eff. 1-1-18; 100-683, eff. 1-1-19.)

1 (625 ILCS 5/13-111) (from Ch. 95 1/2, par. 13-111)

2 Sec. 13-111. Operation without certificate of safety
3 attached; Effective date of certificate.

4 (a) Except as provided for in Chapter 13, no person shall
5 operate any vehicle required to be inspected by this Chapter
6 upon the highways of this State unless there is affixed to that
7 vehicle a certificate of safety then in effect. The Secretary
8 of State, State Police, and other police officers shall enforce
9 this Section. The Department shall determine the expiration
10 date of the certificate of safety.

11 The certificates, all forms and records, reports of tests
12 and retests, and the full procedure and methods of making the
13 tests and retests, shall be in the form prescribed by the
14 Department.

15 (b) Every person convicted of violating this Section is
16 guilty of a petty offense with a minimum fine of \$95 and a
17 maximum fine of \$250; unless the violation is contemporaneous
18 with a motor vehicle crash ~~accident~~, in which case the person
19 is guilty of a Class C misdemeanor.

20 (Source: P.A. 98-489, eff. 1-1-14.)

21 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

22 Sec. 15-301. Permits for excess size and weight.

23 (a) The Department with respect to highways under its
24 jurisdiction and local authorities with respect to highways
25 under their jurisdiction may, in their discretion, upon

1 application and good cause being shown therefor, issue a
2 special permit authorizing the applicant to operate or move a
3 vehicle or combination of vehicles of a size or weight of
4 vehicle or load exceeding the maximum specified in this Code or
5 otherwise not in conformity with this Code upon any highway
6 under the jurisdiction of the party granting such permit and
7 for the maintenance of which the party is responsible.
8 Applications and permits other than those in written or printed
9 form may only be accepted from and issued to the company or
10 individual making the movement. Except for an application to
11 move directly across a highway, it shall be the duty of the
12 applicant to establish in the application that the load to be
13 moved by such vehicle or combination cannot reasonably be
14 dismantled or disassembled, the reasonableness of which shall
15 be determined by the Secretary of the Department. For the
16 purpose of over length movements, more than one object may be
17 carried side by side as long as the height, width, and weight
18 laws are not exceeded and the cause for the over length is not
19 due to multiple objects. For the purpose of over height
20 movements, more than one object may be carried as long as the
21 cause for the over height is not due to multiple objects and
22 the length, width, and weight laws are not exceeded. For the
23 purpose of an over width movement, more than one object may be
24 carried as long as the cause for the over width is not due to
25 multiple objects and length, height, and weight laws are not
26 exceeded. Except for transporting fluid milk products, no State

1 or local agency shall authorize the issuance of excess size or
2 weight permits for vehicles and loads that are divisible and
3 that can be carried, when divided, within the existing size or
4 weight maximums specified in this Chapter. Any excess size or
5 weight permit issued in violation of the provisions of this
6 Section shall be void at issue and any movement made thereunder
7 shall not be authorized under the terms of the void permit. In
8 any prosecution for a violation of this Chapter when the
9 authorization of an excess size or weight permit is at issue,
10 it is the burden of the defendant to establish that the permit
11 was valid because the load to be moved could not reasonably be
12 dismantled or disassembled, or was otherwise nondivisible.

13 (a-1) As used in this Section, "extreme heavy duty tow and
14 recovery vehicle" means a tow truck manufactured as a unit
15 having a lifting capacity of not less than 50 tons, and having
16 either 4 axles and an unladen weight of not more than 80,000
17 pounds or 5 axles and an unladen weight not more than 90,000
18 pounds. Notwithstanding otherwise applicable gross and axle
19 weight limits, an extreme heavy duty tow and recovery vehicle
20 may lawfully travel to and from the scene of a disablement and
21 clear a disabled vehicle if the towing service has obtained an
22 extreme heavy duty tow and recovery permit for the vehicle. The
23 form and content of the permit shall be determined by the
24 Department with respect to highways under its jurisdiction and
25 by local authorities with respect to highways under their
26 jurisdiction.

1 (b) The application for any such permit shall: (1) state
2 whether such permit is requested for a single trip or for
3 limited continuous operation; (2) state if the applicant is an
4 authorized carrier under the Illinois Motor Carrier of Property
5 Law, if so, his certificate, registration, or permit number
6 issued by the Illinois Commerce Commission; (3) specifically
7 describe and identify the vehicle or vehicles and load to be
8 operated or moved; (4) state the routing requested, including
9 the points of origin and destination, and may identify and
10 include a request for routing to the nearest certified scale in
11 accordance with the Department's rules and regulations,
12 provided the applicant has approval to travel on local roads;
13 and (5) state if the vehicles or loads are being transported
14 for hire. No permits for the movement of a vehicle or load for
15 hire shall be issued to any applicant who is required under the
16 Illinois Motor Carrier of Property Law to have a certificate,
17 registration, or permit and does not have such certificate,
18 registration, or permit.

19 (c) The Department or local authority when not inconsistent
20 with traffic safety is authorized to issue or withhold such
21 permit at its discretion; or, if such permit is issued at its
22 discretion to prescribe the route or routes to be traveled, to
23 limit the number of trips, to establish seasonal or other time
24 limitations within which the vehicles described may be operated
25 on the highways indicated, or otherwise to limit or prescribe
26 conditions of operations of such vehicle or vehicles, when

1 necessary to assure against undue damage to the road
2 foundations, surfaces or structures, and may require such
3 undertaking or other security as may be deemed necessary to
4 compensate for any injury to any roadway or road structure. The
5 Department shall maintain a daily record of each permit issued
6 along with the fee and the stipulated dimensions, weights,
7 conditions, and restrictions authorized and this record shall
8 be presumed correct in any case of questions or dispute. The
9 Department shall install an automatic device for recording
10 applications received and permits issued by telephone. In
11 making application by telephone, the Department and applicant
12 waive all objections to the recording of the conversation.

13 (d) The Department shall, upon application in writing from
14 any local authority, issue an annual permit authorizing the
15 local authority to move oversize highway construction,
16 transportation, utility, and maintenance equipment over roads
17 under the jurisdiction of the Department. The permit shall be
18 applicable only to equipment and vehicles owned by or
19 registered in the name of the local authority, and no fee shall
20 be charged for the issuance of such permits.

21 (e) As an exception to subsection (a) of this Section, the
22 Department and local authorities, with respect to highways
23 under their respective jurisdictions, in their discretion and
24 upon application in writing, may issue a special permit for
25 limited continuous operation, authorizing the applicant to
26 move loads of agricultural commodities on a 2-axle single

1 vehicle registered by the Secretary of State with axle loads
2 not to exceed 35%, on a 3-axle or 4-axle vehicle registered by
3 the Secretary of State with axle loads not to exceed 20%, and
4 on a 5-axle vehicle registered by the Secretary of State not to
5 exceed 10% above those provided in Section 15-111. The total
6 gross weight of the vehicle, however, may not exceed the
7 maximum gross weight of the registration class of the vehicle
8 allowed under Section 3-815 or 3-818 of this Code.

9 As used in this Section, "agricultural commodities" means:

10 (1) cultivated plants or agricultural produce grown,
11 including, but not limited to, corn, soybeans, wheat, oats,
12 grain sorghum, canola, and rice;

13 (2) livestock, including, but not limited to, hogs,
14 equine, sheep, and poultry;

15 (3) ensilage; and

16 (4) fruits and vegetables.

17 Permits may be issued for a period not to exceed 40 days
18 and moves may be made of a distance not to exceed 50 miles from
19 a field, an on-farm grain storage facility, a warehouse as
20 defined in the Grain Code, or a livestock management facility
21 as defined in the Livestock Management Facilities Act over any
22 highway except the National System of Interstate and Defense
23 Highways. The operator of the vehicle, however, must abide by
24 posted bridge and posted highway weight limits. All implements
25 of husbandry operating under this Section between sunset and
26 sunrise shall be equipped as prescribed in Section 12-205.1.

1 (e-1) A special permit shall be issued by the Department
2 under this Section and shall be required from September 1
3 through December 31 for a vehicle that exceeds the maximum axle
4 weight and gross weight limits under Section 15-111 of this
5 Code or exceeds the vehicle's registered gross weight, provided
6 that the vehicle's axle weight and gross weight do not exceed
7 10% above the maximum limits under Section 15-111 of this Code
8 and does not exceed the vehicle's registered gross weight by
9 10%. All other restrictions that apply to permits issued under
10 this Section shall apply during the declared time period and no
11 fee shall be charged for the issuance of those permits. Permits
12 issued by the Department under this subsection (e-1) are only
13 valid on federal and State highways under the jurisdiction of
14 the Department, except interstate highways. With respect to
15 highways under the jurisdiction of local authorities, the local
16 authorities may, at their discretion, waive special permit
17 requirements and set a divisible load weight limit not to
18 exceed 10% above a vehicle's registered gross weight, provided
19 that the vehicle's axle weight and gross weight do not exceed
20 10% above the maximum limits specified in Section 15-111.
21 Permits issued under this subsection (e-1) shall apply to all
22 registered vehicles eligible to obtain permits under this
23 Section, including vehicles used in private or for-hire
24 movement of divisible load agricultural commodities during the
25 declared time period.

26 (f) The form and content of the permit shall be determined

1 by the Department with respect to highways under its
2 jurisdiction and by local authorities with respect to highways
3 under their jurisdiction. Every permit shall be in written form
4 and carried in the vehicle or combination of vehicles to which
5 it refers and shall be open to inspection by any police officer
6 or authorized agent of any authority granting the permit and no
7 person shall violate any of the terms or conditions of such
8 special permit. Violation of the terms and conditions of the
9 permit shall not be deemed a revocation of the permit; however,
10 any vehicle and load found to be off the route prescribed in
11 the permit shall be held to be operating without a permit. Any
12 off-route vehicle and load shall be required to obtain a new
13 permit or permits, as necessary, to authorize the movement back
14 onto the original permit routing. No rule or regulation, nor
15 anything herein, shall be construed to authorize any police
16 officer, court, or authorized agent of any authority granting
17 the permit to remove the permit from the possession of the
18 permittee unless the permittee is charged with a fraudulent
19 permit violation as provided in subsection (i). However, upon
20 arrest for an offense of violation of permit, operating without
21 a permit when the vehicle is off route, or any size or weight
22 offense under this Chapter when the permittee plans to raise
23 the issuance of the permit as a defense, the permittee, or his
24 agent, must produce the permit at any court hearing concerning
25 the alleged offense.

26 If the permit designates and includes a routing to a

1 certified scale, the permittee, while en route to the
2 designated scale, shall be deemed in compliance with the weight
3 provisions of the permit provided the axle or gross weights do
4 not exceed any of the permitted limits by more than the
5 following amounts:

6	Single axle	2000 pounds
7	Tandem axle	3000 pounds
8	Gross	5000 pounds

9 (g) The Department is authorized to adopt, amend, and make
10 available to interested persons a policy concerning reasonable
11 rules, limitations and conditions or provisions of operation
12 upon highways under its jurisdiction in addition to those
13 contained in this Section for the movement by special permit of
14 vehicles, combinations, or loads which cannot reasonably be
15 dismantled or disassembled, including manufactured and modular
16 home sections and portions thereof. All rules, limitations and
17 conditions or provisions adopted in the policy shall have due
18 regard for the safety of the traveling public and the
19 protection of the highway system and shall have been
20 promulgated in conformity with the provisions of the Illinois
21 Administrative Procedure Act. The requirements of the policy
22 for flagmen and escort vehicles shall be the same for all moves
23 of comparable size and weight. When escort vehicles are
24 required, they shall meet the following requirements:

25 (1) All operators shall be 18 years of age or over and
26 properly licensed to operate the vehicle.

1 (2) Vehicles escorting oversized loads more than 12
2 feet wide must be equipped with a rotating or flashing
3 amber light mounted on top as specified under Section
4 12-215.

5 The Department shall establish reasonable rules and
6 regulations regarding liability insurance or self insurance
7 for vehicles with oversized loads promulgated under the
8 Illinois Administrative Procedure Act. Police vehicles may be
9 required for escort under circumstances as required by rules
10 and regulations of the Department.

11 (h) Violation of any rule, limitation or condition or
12 provision of any permit issued in accordance with the
13 provisions of this Section shall not render the entire permit
14 null and void but the violator shall be deemed guilty of
15 violation of permit and guilty of exceeding any size, weight,
16 or load limitations in excess of those authorized by the
17 permit. The prescribed route or routes on the permit are not
18 mere rules, limitations, conditions, or provisions of the
19 permit, but are also the sole extent of the authorization
20 granted by the permit. If a vehicle and load are found to be
21 off the route or routes prescribed by any permit authorizing
22 movement, the vehicle and load are operating without a permit.
23 Any off-route movement shall be subject to the size and weight
24 maximums, under the applicable provisions of this Chapter, as
25 determined by the type or class highway upon which the vehicle
26 and load are being operated.

1 (i) Whenever any vehicle is operated or movement made under
2 a fraudulent permit, the permit shall be void, and the person,
3 firm, or corporation to whom such permit was granted, the
4 driver of such vehicle in addition to the person who issued
5 such permit and any accessory, shall be guilty of fraud and
6 either one or all persons may be prosecuted for such violation.
7 Any person, firm, or corporation committing such violation
8 shall be guilty of a Class 4 felony and the Department shall
9 not issue permits to the person, firm, or corporation convicted
10 of such violation for a period of one year after the date of
11 conviction. Penalties for violations of this Section shall be
12 in addition to any penalties imposed for violation of other
13 Sections of this Code.

14 (j) Whenever any vehicle is operated or movement made in
15 violation of a permit issued in accordance with this Section,
16 the person to whom such permit was granted, or the driver of
17 such vehicle, is guilty of such violation and either, but not
18 both, persons may be prosecuted for such violation as stated in
19 this subsection (j). Any person, firm, or corporation convicted
20 of such violation shall be guilty of a petty offense and shall
21 be fined, for the first offense, not less than \$50 nor more
22 than \$200 and, for the second offense by the same person, firm,
23 or corporation within a period of one year, not less than \$200
24 nor more than \$300 and, for the third offense by the same
25 person, firm, or corporation within a period of one year after
26 the date of the first offense, not less than \$300 nor more than

1 \$500 and the Department may, in its discretion, not issue
2 permits to the person, firm, or corporation convicted of a
3 third offense during a period of one year after the date of
4 conviction or supervision for such third offense. If any
5 violation is the cause or contributing cause in a motor vehicle
6 crash ~~accident~~ causing damage to property, injury, or death to
7 a person, the Department may, in its discretion, not issue a
8 permit to the person, firm, or corporation for a period of one
9 year after the date of conviction or supervision for the
10 offense.

11 (k) Whenever any vehicle is operated on local roads under
12 permits for excess width or length issued by local authorities,
13 such vehicle may be moved upon a State highway for a distance
14 not to exceed one-half mile without a permit for the purpose of
15 crossing the State highway.

16 (l) Notwithstanding any other provision of this Section,
17 the Department, with respect to highways under its
18 jurisdiction, and local authorities, with respect to highways
19 under their jurisdiction, may at their discretion authorize the
20 movement of a vehicle in violation of any size or weight
21 requirement, or both, that would not ordinarily be eligible for
22 a permit, when there is a showing of extreme necessity that the
23 vehicle and load should be moved without unnecessary delay.

24 For the purpose of this subsection, showing of extreme
25 necessity shall be limited to the following: shipments of
26 livestock, hazardous materials, liquid concrete being hauled

1 in a mobile cement mixer, or hot asphalt.

2 (m) Penalties for violations of this Section shall be in
3 addition to any penalties imposed for violating any other
4 Section of this Code.

5 (n) The Department with respect to highways under its
6 jurisdiction and local authorities with respect to highways
7 under their jurisdiction, in their discretion and upon
8 application in writing, may issue a special permit for
9 continuous limited operation, authorizing the applicant to
10 operate a tow truck that exceeds the weight limits provided for
11 in subsection (a) of Section 15-111, provided:

12 (1) no rear single axle of the tow truck exceeds 26,000
13 pounds;

14 (2) no rear tandem axle of the tow truck exceeds 50,000
15 pounds;

16 (2.1) no triple rear axle on a manufactured recovery
17 unit exceeds 60,000 pounds;

18 (3) neither the disabled vehicle nor the disabled
19 combination of vehicles exceed the weight restrictions
20 imposed by this Chapter 15, or the weight limits imposed
21 under a permit issued by the Department prior to hookup;

22 (4) the tow truck prior to hookup does not exceed the
23 weight restrictions imposed by this Chapter 15;

24 (5) during the tow operation the tow truck does not
25 violate any weight restriction sign;

26 (6) the tow truck is equipped with flashing, rotating,

1 or oscillating amber lights, visible for at least 500 feet
2 in all directions;

3 (7) the tow truck is specifically designed and licensed
4 as a tow truck;

5 (8) the tow truck has a gross vehicle weight rating of
6 sufficient capacity to safely handle the load;

7 (9) the tow truck is equipped with air brakes;

8 (10) the tow truck is capable of utilizing the lighting
9 and braking systems of the disabled vehicle or combination
10 of vehicles;

11 (11) the tow commences at the initial point of wreck or
12 disablement and terminates at a point where the repairs are
13 actually to occur;

14 (12) the permit issued to the tow truck is carried in
15 the tow truck and exhibited on demand by a police officer;
16 and

17 (13) the movement shall be valid only on State routes
18 approved by the Department.

19 (o) (Blank).

20 (p) In determining whether a load may be reasonably
21 dismantled or disassembled for the purpose of subsection (a),
22 the Department shall consider whether there is a significant
23 negative impact on the condition of the pavement and structures
24 along the proposed route, whether the load or vehicle as
25 proposed causes a safety hazard to the traveling public,
26 whether dismantling or disassembling the load promotes or

1 stifles economic development, and whether the proposed route
2 travels less than 5 miles. A load is not required to be
3 dismantled or disassembled for the purposes of subsection (a)
4 if the Secretary of the Department determines there will be no
5 significant negative impact to pavement or structures along the
6 proposed route, the proposed load or vehicle causes no safety
7 hazard to the traveling public, dismantling or disassembling
8 the load does not promote economic development, and the
9 proposed route travels less than 5 miles. The Department may
10 promulgate rules for the purpose of establishing the
11 divisibility of a load pursuant to subsection (a). Any load
12 determined by the Secretary to be nondivisible shall otherwise
13 comply with the existing size or weight maximums specified in
14 this Chapter.

15 (Source: P.A. 100-70, eff. 8-11-17; 100-728, eff. 1-1-19;
16 100-830, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1090, eff.
17 1-1-19; 101-81, eff. 7-12-19; 101-547, eff. 1-1-20.)

18 (625 ILCS 5/16-108)

19 Sec. 16-108. Claims of diplomatic immunity.

20 (a) This Section applies only to an individual that
21 displays to a police officer a driver's license issued by the
22 U.S. Department of State or that otherwise claims immunities or
23 privileges under Title 22, Chapter 6 of the United States Code
24 with respect to the individual's violation of Section 9-3 or
25 Section 9-3.2 of the Criminal Code of 2012 or his or her

1 violation of a traffic regulation governing the movement of
2 vehicles under this Code or a similar provision of a local
3 ordinance.

4 (b) If a driver subject to this Section is stopped by a
5 police officer that has probable cause to believe that the
6 driver has committed a violation described in subsection (a) of
7 this Section, the police officer shall:

8 (1) as soon as practicable contact the U.S. Department
9 of State office in order to verify the driver's status and
10 immunity, if any;

11 (2) record all relevant information from any driver's
12 license or identification card, including a driver's
13 license or identification card issued by the U.S.
14 Department of State; and

15 (3) within 5 workdays after the date of the stop,
16 forward the following to the Secretary of State of
17 Illinois:

18 (A) a vehicle crash ~~accident~~ report, if the driver
19 was involved in a vehicle crash ~~accident~~;

20 (B) if a citation or charge was issued to the
21 driver, a copy of the citation or charge; and

22 (C) if a citation or charge was not issued to the
23 driver, a written report of the incident.

24 (c) Upon receiving material submitted under paragraph (3)
25 of subsection (b) of this Section, the Secretary of State
26 shall:

1 (1) file each vehicle crash ~~accident~~ report, citation
2 or charge, and incident report received;

3 (2) keep convenient records or make suitable notations
4 showing each:

5 (A) conviction;

6 (B) disposition of court supervision for any
7 violation of Section 11-501 of this Code; and

8 (C) vehicle crash ~~accident~~; and

9 (3) send a copy of each document and record described
10 in paragraph (2) of this subsection (c) to the Bureau of
11 Diplomatic Security, Office of Foreign Missions, of the
12 U.S. Department of State.

13 (d) This Section does not prohibit or limit the application
14 of any law to a criminal or motor vehicle violation by an
15 individual who has or claims immunities or privileges under
16 Title 22, Chapter 6 of the United States Code.

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

18 (625 ILCS 5/18a-301) (from Ch. 95 1/2, par. 18a-301)

19 Sec. 18a-301. Commercial vehicle relocators - Security
20 requirements. Every commercial vehicle relocater shall file
21 with the Commission and have in effect an indemnity bond or
22 insurance policy or certificates of bonds or insurance in lieu
23 thereof which shall indemnify or insure the relocater for its
24 liability: (1) for injury to person, in an amount not less than
25 \$100,000 to any one person and \$300,000 for any one crash

1 ~~accident~~; (2) in case of damage to property other than a
2 vehicle being removed, in an amount not less than \$50,000 for
3 any one crash ~~accident~~; and (3) in case of damage to any
4 vehicle relocated or stored by the relocater, in an amount not
5 less than \$15,000 per vehicle. Any such bond or policy shall be
6 issued by a bonding or insurance firm authorized to do business
7 as such in the State of Illinois. All certificates or indemnity
8 bonds or insurance filed with the Commission must show the
9 coverage effective continuously until cancelled, and the
10 Commission may require such evidence of continued validity as
11 it deems necessary.

12 (Source: P.A. 85-1396.)

13 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

14 Sec. 18b-105. Rules and Regulations.

15 (a) The Department is authorized to make and adopt
16 reasonable rules and regulations and orders consistent with law
17 necessary to carry out the provisions of this Chapter.

18 (b) The following parts of Title 49 of the Code of Federal
19 Regulations, as now in effect, are hereby adopted by reference
20 as though they were set out in full:

21 Part 40 - Procedures For Transportation Workplace Drug and
22 Alcohol Testing Programs;

23 Part 380 - Special Training Requirements;

24 Part 382 - Controlled Substances and Alcohol Use and
25 Testing;

1 Part 383 - Commercial Driver's License Standards,
2 Requirements, and Penalties;

3 Part 385 - Safety Fitness Procedures;

4 Part 386 Appendix B - Penalty Schedule; Violations and
5 Maximum Monetary Penalties;

6 Part 387 - Minimum Levels of Financial Responsibility for
7 Motor Carriers;

8 Part 390 - Federal Motor Carrier Safety Regulations:
9 General;

10 Part 391 - Qualifications of Drivers;

11 Part 392 - Driving of Motor Vehicles;

12 Part 393 - Parts and Accessories Necessary for Safe
13 Operation;

14 Part 395 - Hours of Service of Drivers, except as provided
15 in Section 18b-106.1;

16 Part 396 - Inspection, Repair and Maintenance; and

17 Part 397 - Transportation of hazardous materials; Driving
18 and Parking Rules.

19 (b-5) Individuals who meet the requirements set forth in
20 the definition of "medical examiner" in Section 390.5 of Part
21 390 of Title 49 of the Code of Federal Regulations may act as
22 medical examiners in accordance with Part 391 of Title 49 of
23 the Code of Federal Regulations.

24 (c) The following parts and Sections of the Federal Motor
25 Carrier Safety Regulations shall not apply to those intrastate
26 carriers, drivers or vehicles subject to subsection (b).

1 (1) Section 393.93 of Part 393 for those vehicles
2 manufactured before June 30, 1972.

3 (2) Section 393.86 of Part 393 for those vehicles
4 registered as farm trucks under subsection (c) of Section
5 3-815 of this Code.

6 (3) (Blank).

7 (4) (Blank).

8 (5) Paragraph (b) (1) of Section 391.11 of Part 391.

9 (6) All of Part 395 for all agricultural operations as
10 defined in Section 18b-101 of this Chapter at any time of
11 the year and all farm to market agricultural transportation
12 as defined in Chapter 1 and for grain hauling operations
13 within a radius of 200 air miles of the normal work
14 reporting location.

15 (7) Paragraphs (b) (3) (insulin dependent diabetic) and
16 (b) (10) (minimum visual acuity) of Section 391.41 of part
17 391, but only for any driver who immediately prior to July
18 29, 1986 was eligible and licensed to operate a motor
19 vehicle subject to this Section and was engaged in
20 operating such vehicles, and who was disqualified on July
21 29, 1986 by the adoption of Part 391 by reason of the
22 application of paragraphs (b) (3) and (b) (10) of Section
23 391.41 with respect to a physical condition existing at
24 that time unless such driver has a record of crashes
25 ~~accidents~~ which would indicate a lack of ability to operate
26 a motor vehicle in a safe manner.

1 (d) Intrastate carriers subject to the recording
2 provisions of Section 395.8 of Part 395 of the Federal Motor
3 Carrier Safety Regulations shall be exempt as established under
4 paragraph (1) of Section 395.8; provided, however, for the
5 purpose of this Code, drivers shall operate within a 150
6 air-mile radius of the normal work reporting location to
7 qualify for exempt status.

8 (e) Regulations adopted by the Department subsequent to
9 those adopted under subsection (b) hereof shall be identical in
10 substance to the Federal Motor Carrier Safety Regulations of
11 the United States Department of Transportation and adopted in
12 accordance with the procedures for rulemaking in Section 5-35
13 of the Illinois Administrative Procedure Act.

14 (Source: P.A. eff. 1-1-02; eff. 1-1-02; 94-519, eff. 8-10-05;
15 94-739, eff. 5-5-06.)

16 (625 ILCS 5/18b-108) (from Ch. 95 1/2, par. 18b-108)

17 Sec. 18b-108. Violations; criminal penalties.

18 (a) The provisions of Chapter 16 shall be applicable to
19 acts committed by a driver of a motor vehicle that violate this
20 Chapter or any rule or regulation issued under this Chapter.

21 (b) Except as provided in subsection (d), any driver who
22 willfully violates any provision of this Chapter or any rule or
23 regulation issued under this Chapter is guilty of a Class 4
24 felony. In addition to any other penalties prescribed by law,
25 the maximum fine for each offense is \$10,000. Such violation

1 shall be prosecuted by the State's Attorney or the Attorney
2 General.

3 (c) Except as provided in subsection (d), any person, other
4 than a driver, who willfully violates or causes another to
5 violate any provision of this Chapter or any rule or regulation
6 issued under this Chapter is guilty of a Class 3 felony. In
7 addition to any other penalties prescribed by law, the maximum
8 fine for each offense is \$25,000. Such violation shall be
9 prosecuted at the request of the Department by the State's
10 Attorney or the Attorney General.

11 (d) Any driver who willfully violates Parts 392, 395,
12 Sections 391.11, 391.15, 391.41, or 391.45 of Part 391, or any
13 other Part of Title 49 of the Code of Federal Regulations, as
14 adopted by reference in Section 18b-105 of this Code, which
15 would place the driver or vehicle out of service, when the
16 violation results in a motor vehicle crash ~~accident~~ that causes
17 great bodily harm, permanent disability or disfigurement, or
18 death to another person, is guilty of a Class 3 felony. Any
19 person other than the driver who willfully violates Parts 392,
20 395, Sections 391.11, 391.15, 391.41, or 391.45 of Part 391 or
21 any other Part of Title 49 of the Code of Federal Regulations,
22 as adopted by reference in Section 18b-105 of this Code, which
23 would place the driver or vehicle out of service, when the
24 violation results in a motor vehicle crash ~~accident~~ that causes
25 great bodily harm, permanent disability or disfigurement, or
26 death to another person, is guilty of a Class 2 felony.

1 (Source: P.A. 99-291, eff. 1-1-16.)

2 (625 ILCS 5/18c-6502) (from Ch. 95 1/2, par. 18c-6502)

3 Sec. 18c-6502. Report and Investigation of Crashes
4 ~~Accidents~~. (1) Reports. Every motor carrier of passengers shall
5 report to the Commission, by the speediest means possible,
6 whether telephone, telegraph, or otherwise, every crash
7 ~~accident~~ involving its equipment which resulted in loss of life
8 to any person. In addition to reports required to be filed with
9 the Department of Transportation, under Article IV of Chapter
10 11 and Chapter 7 of this Code, such carrier shall file a
11 written report with the Commission, in accordance with
12 regulations adopted hereunder, of any crash ~~accident~~ which
13 results in injury or loss of life to any employee, or damage to
14 the person or property of any member of the public. The
15 Commission and the Department of Transportation may adopt, by
16 reference, such state or federal reporting requirements as will
17 effectuate the purposes of this Section and promote uniformity
18 in bus crash ~~accident~~ reporting.

19 (2) Investigations. The Commission and the Department of
20 Transportation may investigate any bus crash ~~accident~~ reported
21 to it or of which it acquires knowledge independent of reports
22 made by motor carriers of passengers, and shall have the power
23 to enter such orders and adopt such regulations as will
24 minimize the risk of future crashes ~~accidents~~.

25 (Source: P.A. 84-1246.)

1 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)
2 Sec. 18c-7402. Safety requirements for railroad
3 operations.

4 (1) Obstruction of crossings.

5 (a) Obstruction of emergency vehicles. Every railroad
6 shall be operated in such a manner as to minimize
7 obstruction of emergency vehicles at crossings. Where such
8 obstruction occurs and the train crew is aware of the
9 obstruction, the train crew shall immediately take any
10 action, consistent with safe operating procedure,
11 necessary to remove the obstruction. In the Chicago and St.
12 Louis switching districts, every railroad dispatcher or
13 other person responsible for the movement of railroad
14 equipment in a specific area who receives notification that
15 railroad equipment is obstructing the movement of an
16 emergency vehicle at any crossing within such area shall
17 immediately notify the train crew through use of existing
18 communication facilities. Upon notification, the train
19 crew shall take immediate action in accordance with this
20 paragraph.

21 (b) Obstruction of highway at grade crossing
22 prohibited. It is unlawful for a rail carrier to permit any
23 train, railroad car or engine to obstruct public travel at
24 a railroad-highway grade crossing for a period in excess of
25 10 minutes, except where such train or railroad car is

1 continuously moving or cannot be moved by reason of
2 circumstances over which the rail carrier has no reasonable
3 control.

4 In a county with a population of greater than
5 1,000,000, as determined by the most recent federal census,
6 during the hours of 7:00 a.m. through 9:00 a.m. and 4:00
7 p.m. through 6:00 p.m. it is unlawful for a rail carrier to
8 permit any single train or railroad car to obstruct public
9 travel at a railroad-highway grade crossing in excess of a
10 total of 10 minutes during a 30 minute period, except where
11 the train or railroad car cannot be moved by reason or
12 circumstances over which the rail carrier has no reasonable
13 control. Under no circumstances will a moving train be
14 stopped for the purposes of issuing a citation related to
15 this Section.

16 However, no employee acting under the rules or orders
17 of the rail carrier or its supervisory personnel may be
18 prosecuted for a violation of this subsection (b).

19 (c) Punishment for obstruction of grade crossing. Any
20 rail carrier violating paragraph (b) of this subsection
21 shall be guilty of a petty offense and fined not less than
22 \$200 nor more than \$500 if the duration of the obstruction
23 is in excess of 10 minutes but no longer than 15 minutes.
24 If the duration of the obstruction exceeds 15 minutes the
25 violation shall be a business offense and the following
26 fines shall be imposed: if the duration of the obstruction

1 is in excess of 15 minutes but no longer than 20 minutes,
2 the fine shall be \$500; if the duration of the obstruction
3 is in excess of 20 minutes but no longer than 25 minutes,
4 the fine shall be \$700; if the duration of the obstruction
5 is in excess of 25 minutes, but no longer than 30 minutes,
6 the fine shall be \$900; if the duration of the obstruction
7 is in excess of 30 minutes but no longer than 35 minutes,
8 the fine shall be \$1,000; if the duration of the
9 obstruction is in excess of 35 minutes, the fine shall be
10 \$1,000 plus an additional \$500 for each 5 minutes of
11 obstruction in excess of 25 minutes of obstruction.

12 (2) Other operational requirements.

13 (a) Bell and whistle-crossings. Every rail carrier
14 shall cause a bell, and a whistle or horn to be placed and
15 kept on each locomotive, and shall cause the same to be
16 rung or sounded by the engineer or fireman, at the distance
17 of at least 1,320 feet, from the place where the railroad
18 crosses or intersects any public highway, and shall be kept
19 ringing or sounding until the highway is reached; provided
20 that at crossings where the Commission shall by order
21 direct, only after a hearing has been held to determine the
22 public is reasonably and sufficiently protected, the rail
23 carrier may be excused from giving warning provided by this
24 paragraph.

25 (a-5) The requirements of paragraph (a) of this
26 subsection (2) regarding ringing a bell and sounding a

1 whistle or horn do not apply at a railroad crossing that
2 has a permanently installed automated audible warning
3 device authorized by the Commission under Section
4 18c-7402.1 that sounds automatically when an approaching
5 train is at least 1,320 feet from the crossing and that
6 keeps sounding until the lead locomotive has crossed the
7 highway. The engineer or fireman may ring the bell or sound
8 the whistle or horn at a railroad crossing that has a
9 permanently installed audible warning device.

10 (b) Speed limits. Each rail carrier shall operate its
11 trains in compliance with speed limits set by the
12 Commission. The Commission may set train speed limits only
13 where such limits are necessitated by extraordinary
14 circumstances affecting the public safety, and shall
15 maintain such train speed limits in effect only for such
16 time as the extraordinary circumstances prevail.

17 The Commission and the Department of Transportation
18 shall conduct a study of the relation between train speeds
19 and railroad-highway grade crossing safety. The Commission
20 shall report the findings of the study to the General
21 Assembly no later than January 5, 1997.

22 (c) Special speed limit; pilot project. The Commission
23 and the Board of the Commuter Rail Division of the Regional
24 Transportation Authority shall conduct a pilot project in
25 the Village of Fox River Grove, the site of the fatal
26 school bus crash ~~accident~~ at a railroad crossing on October

1 25, 1995, in order to improve railroad crossing safety. For
2 this project, the Commission is directed to set the maximum
3 train speed limit for Regional Transportation Authority
4 trains at 50 miles per hour at intersections on that
5 portion of the intrastate rail line located in the Village
6 of Fox River Grove. If the Regional Transportation
7 Authority deliberately fails to comply with this maximum
8 speed limit, then any entity, governmental or otherwise,
9 that provides capital or operational funds to the Regional
10 Transportation Authority shall appropriately reduce or
11 eliminate that funding. The Commission shall report to the
12 Governor and the General Assembly on the results of this
13 pilot project in January 1999, January 2000, and January
14 2001. The Commission shall also submit a final report on
15 the pilot project to the Governor and the General Assembly
16 in January 2001. The provisions of this subsection (c),
17 other than this sentence, are inoperative after February 1,
18 2001.

19 (d) Freight train crew size. No rail carrier shall
20 operate or cause to operate a train or light engine used in
21 connection with the movement of freight unless it has an
22 operating crew consisting of at least 2 individuals. The
23 minimum freight train crew size indicated in this
24 subsection (d) shall remain in effect until a federal law
25 or rule encompassing the subject matter has been adopted.
26 The Commission, with respect to freight train crew member

1 size under this subsection (d), has the power to conduct
2 evidentiary hearings, make findings, and issue and enforce
3 orders, including sanctions under Section 18c-1704 of this
4 Chapter. As used in this subsection (d), "train or light
5 engine" does not include trains operated by a hostler
6 service or utility employees.

7 (3) Report and investigation of rail accidents.

8 (a) Reports. Every rail carrier shall report to the
9 Commission, by the speediest means possible, whether
10 telephone, telegraph, or otherwise, every accident
11 involving its equipment, track, or other property which
12 resulted in loss of life to any person. In addition, such
13 carriers shall file a written report with the Commission.
14 Reports submitted under this paragraph shall be strictly
15 confidential, shall be specifically prohibited from
16 disclosure, and shall not be admissible in any
17 administrative or judicial proceeding relating to the
18 accidents reported.

19 (b) Investigations. The Commission may investigate all
20 railroad accidents reported to it or of which it acquires
21 knowledge independent of reports made by rail carriers, and
22 shall have the power, consistent with standards and
23 procedures established under the Federal Railroad Safety
24 Act, as amended, to enter such temporary orders as will
25 minimize the risk of future accidents pending notice,
26 hearing, and final action by the Commission.

1 (Source: P.A. 100-201, eff. 8-18-17; 101-294, eff. 1-1-20.)

2 (625 ILCS 5/20-202) (from Ch. 95 1/2, par. 20-202)

3 Sec. 20-202. Act not retroactive. This Act shall not have a
4 retroactive effect and shall not apply to any traffic crash
5 ~~accident~~, to a cause of action arising out of a traffic crash
6 ~~accident~~ or judgment arising therefrom, or to any violation of
7 the laws of this State, occurring prior to the effective date
8 of this Act.

9 (Source: P.A. 76-1586.)

10 Section 115. The Child Passenger Protection Act is amended
11 by changing Section 2 as follows:

12 (625 ILCS 25/2) (from Ch. 95 1/2, par. 1102)

13 Sec. 2. Legislative Finding - Purpose. The General Assembly
14 finds that a substantial number of passengers under the age of
15 8 years riding in motor vehicles, which are most frequently
16 operated by a parent, annually die or sustain serious physical
17 injury as a direct result of not being placed in an appropriate
18 child passenger restraint system. Motor vehicle crashes are the
19 leading cause of death for children of every age from 4 to 14
20 years old. The General Assembly further finds that the safety
21 of the motoring public is seriously threatened as indicated by
22 the significant number of traffic crashes ~~accidents~~ annually
23 caused, directly or indirectly, by driver distraction or other

1 impairment of driving ability induced by the movement or
2 actions of unrestrained passengers under the age of 8 years.

3 It is the purpose of this Act to further protect the
4 health, safety and welfare of motor vehicle passengers under
5 the age of 8 years and the motoring public through the proper
6 utilization of approved child restraint systems.

7 (Source: P.A. 93-100, eff. 1-1-04.)

8 Section 120. The Renter's Financial Responsibility and
9 Protection Act is amended by changing Section 5 as follows:

10 (625 ILCS 27/5)

11 Sec. 5. Legislative findings. The General Assembly finds
12 and declares the following:

13 (a) Amendments enacted in 1988 which limit negligent
14 drivers' liability for damage to vehicles rented from motor
15 vehicle rental companies to \$200 have had the unintended,
16 anti-consumer effect of unfairly transferring most of the costs
17 of liability for renters' negligence to car rental companies.

18 (b) This transfer of liability from negligent renters has
19 forced Illinois rental companies and dealers to experience
20 significant financial losses in the form of actual costs to
21 repair, service, and replace vehicles and loss of economic
22 opportunity by being deprived of the rental use of damaged or
23 destroyed rental cars; as a result, many Illinois vehicle
24 rental companies in Illinois have been forced to close because

1 of the current amendments, and high risk to capital threatens
2 to close existing companies; economic losses have also resulted
3 in Illinois renters paying daily and weekly vehicle rental
4 rates almost two-fold higher than renters in other states,
5 including those states surrounding Illinois.

6 (c) As the vast majority of renters in Illinois are
7 non-Illinois residents, the increased damage costs of rental
8 car companies and dealers are absorbed and paid by all Illinois
9 consumers and business.

10 (d) The current law also threatens the public safety of all
11 Illinois citizens as it has contributed to an almost three-fold
12 increase in driver crash ~~accident~~ and fatality rates in
13 Illinois.

14 (Source: P.A. 90-113, eff. 7-14-97.)

15 Section 125. The Transportation Network Providers Act is
16 amended by changing Section 10 as follows:

17 (625 ILCS 57/10)

18 (Section scheduled to be repealed on June 1, 2020)

19 Sec. 10. Insurance.

20 (a) Transportation network companies and participating TNC
21 drivers shall comply with the automobile liability insurance
22 requirements of this Section as required.

23 (b) The following automobile liability insurance
24 requirements shall apply from the moment a participating TNC

1 driver logs on to the transportation network company's digital
2 network or software application until the TNC driver accepts a
3 request to transport a passenger, and from the moment the TNC
4 driver completes the transaction on the digital network or
5 software application or the ride is complete, whichever is
6 later, until the TNC driver either accepts another ride request
7 on the digital network or software application or logs off the
8 digital network or software application:

9 (1) Automobile liability insurance shall be in the
10 amount of at least \$50,000 for death and personal injury
11 per person, \$100,000 for death and personal injury per
12 incident, and \$25,000 for property damage.

13 (2) Contingent automobile liability insurance in the
14 amounts required in paragraph (1) of this subsection (b)
15 shall be maintained by a transportation network company and
16 provide coverage in the event a participating TNC driver's
17 own automobile liability policy excludes coverage
18 according to its policy terms or does not provide at least
19 the limits of coverage required in paragraph (1) of this
20 subsection (b).

21 (c) The following automobile liability insurance
22 requirements shall apply from the moment a TNC driver accepts a
23 ride request on the transportation network company's digital
24 network or software application until the TNC driver completes
25 the transaction on the digital network or software application
26 or until the ride is complete, whichever is later:

1 (1) Automobile liability insurance shall be primary
2 and in the amount of \$1,000,000 for death, personal injury,
3 and property damage. The requirements for the coverage
4 required by this paragraph (1) may be satisfied by any of
5 the following:

6 (A) automobile liability insurance maintained by a
7 participating TNC driver;

8 (B) automobile liability company insurance
9 maintained by a transportation network company; or

10 (C) any combination of subparagraphs (A) and (B).

11 (2) Insurance coverage provided under this subsection
12 (c) shall also provide for uninsured motorist coverage and
13 underinsured motorist coverage in the amount of \$50,000
14 from the moment a passenger enters the vehicle of a
15 participating TNC driver until the passenger exits the
16 vehicle.

17 (3) The insurer, in the case of insurance coverage
18 provided under this subsection (c), shall have the duty to
19 defend and indemnify the insured.

20 (4) Coverage under an automobile liability insurance
21 policy required under this subsection (c) shall not be
22 dependent on a personal automobile insurance policy first
23 denying a claim nor shall a personal automobile insurance
24 policy be required to first deny a claim.

25 (d) In every instance when automobile liability insurance
26 maintained by a participating TNC driver to fulfill the

1 insurance obligations of this Section has lapsed or ceased to
2 exist, the transportation network company shall provide the
3 coverage required by this Section beginning with the first
4 dollar of a claim.

5 (e) This Section shall not limit the liability of a
6 transportation network company arising out of an automobile
7 crash ~~accident~~ involving a participating TNC driver in any
8 action for damages against a transportation network company for
9 an amount above the required insurance coverage.

10 (f) The transportation network company shall disclose in
11 writing to TNC drivers, as part of its agreement with those TNC
12 drivers, the following:

13 (1) the insurance coverage and limits of liability that
14 the transportation network company provides while the TNC
15 driver uses a vehicle in connection with a transportation
16 network company's digital network or software application;
17 and

18 (2) that the TNC driver's own insurance policy may not
19 provide coverage while the TNC driver uses a vehicle in
20 connection with a transportation network company digital
21 network depending on its terms.

22 (g) An insurance policy required by this Section may be
23 placed with an admitted Illinois insurer, or with an authorized
24 surplus line insurer under Section 445 of the Illinois
25 Insurance Code; and is not subject to any restriction or
26 limitation on the issuance of a policy contained in Section

1 445a of the Illinois Insurance Code.

2 (h) Any insurance policy required by this Section shall
3 satisfy the financial responsibility requirement for a motor
4 vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle
5 Code.

6 (i) If a transportation network company's insurer makes a
7 payment for a claim covered under comprehensive coverage or
8 collision coverage, the transportation network company shall
9 cause its insurer to issue the payment directly to the business
10 repairing the vehicle, or jointly to the owner of the vehicle
11 and the primary lienholder on the covered vehicle.

12 (Source: P.A. 98-1173, eff. 6-1-15; 99-56, eff. 7-16-15.)

13 Section 130. The Criminal Code of 2012 is amended by
14 changing Sections 3-5, 12C-60, and 36-1 as follows:

15 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

16 Sec. 3-5. General limitations.

17 (a) A prosecution for: (1) first degree murder, attempt to
18 commit first degree murder, second degree murder, involuntary
19 manslaughter, reckless homicide, a violation of subparagraph
20 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
21 Illinois Vehicle Code for the offense of aggravated driving
22 under the influence of alcohol, other drug or drugs, or
23 intoxicating compound or compounds, or any combination thereof
24 when the violation was a proximate cause of a death, leaving

1 the scene of a motor vehicle crash ~~accident~~ involving death or
2 personal injuries under Section 11-401 of the Illinois Vehicle
3 Code, failing to give information and render aid under Section
4 11-403 of the Illinois Vehicle Code, concealment of homicidal
5 death, treason, arson, residential arson, aggravated arson,
6 forgery, child pornography under paragraph (1) of subsection
7 (a) of Section 11-20.1, or aggravated child pornography under
8 paragraph (1) of subsection (a) of Section 11-20.1B, or (2) any
9 offense involving sexual conduct or sexual penetration, as
10 defined by Section 11-0.1 of this Code may be commenced at any
11 time.

12 (a-5) A prosecution for theft of property exceeding
13 \$100,000 in value under Section 16-1, identity theft under
14 subsection (a) of Section 16-30, aggravated identity theft
15 under subsection (b) of Section 16-30, financial exploitation
16 of an elderly person or a person with a disability under
17 Section 17-56; or any offense set forth in Article 16H or
18 Section 17-10.6 may be commenced within 7 years of the last act
19 committed in furtherance of the crime.

20 (b) Unless the statute describing the offense provides
21 otherwise, or the period of limitation is extended by Section
22 3-6, a prosecution for any offense not designated in subsection
23 (a) or (a-5) must be commenced within 3 years after the
24 commission of the offense if it is a felony, or within one year
25 and 6 months after its commission if it is a misdemeanor.

26 (Source: P.A. 100-149, eff. 1-1-18; 100-863, eff. 8-14-18;

1 101-130, eff. 1-1-20.)

2 (720 ILCS 5/12C-60)

3 Sec. 12C-60. Curfew.

4 (a) Curfew offenses.

5 (1) A minor commits a curfew offense when he or she
6 remains in any public place or on the premises of any
7 establishment during curfew hours.

8 (2) A parent or guardian of a minor or other person in
9 custody or control of a minor commits a curfew offense when
10 he or she knowingly permits the minor to remain in any
11 public place or on the premises of any establishment during
12 curfew hours.

13 (b) Curfew defenses. It is a defense to prosecution under
14 subsection (a) that the minor was:

15 (1) accompanied by the minor's parent or guardian or
16 other person in custody or control of the minor;

17 (2) on an errand at the direction of the minor's parent
18 or guardian, without any detour or stop;

19 (3) in a motor vehicle involved in interstate travel;

20 (4) engaged in an employment activity or going to or
21 returning home from an employment activity, without any
22 detour or stop;

23 (5) involved in an emergency;

24 (6) on the sidewalk abutting the minor's residence or
25 abutting the residence of a next-door neighbor if the

1 neighbor did not complain to the police department about
2 the minor's presence;

3 (7) attending an official school, religious, or other
4 recreational activity supervised by adults and sponsored
5 by a government or governmental agency, a civic
6 organization, or another similar entity that takes
7 responsibility for the minor, or going to or returning home
8 from, without any detour or stop, an official school,
9 religious, or other recreational activity supervised by
10 adults and sponsored by a government or governmental
11 agency, a civic organization, or another similar entity
12 that takes responsibility for the minor;

13 (8) exercising First Amendment rights protected by the
14 United States Constitution, such as the free exercise of
15 religion, freedom of speech, and the right of assembly; or

16 (9) married or had been married or is an emancipated
17 minor under the Emancipation of Minors Act.

18 (c) Enforcement. Before taking any enforcement action
19 under this Section, a law enforcement officer shall ask the
20 apparent offender's age and reason for being in the public
21 place. The officer shall not issue a citation or make an arrest
22 under this Section unless the officer reasonably believes that
23 an offense has occurred and that, based on any response and
24 other circumstances, no defense in subsection (b) is present.

25 (d) Definitions. In this Section:

26 (1) "Curfew hours" means:

- 1 (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;
2 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and
3 (C) Between 11:00 p.m. on Sunday to Thursday,
4 inclusive, and 6:00 a.m. on the following day.

5 (2) "Emergency" means an unforeseen combination of
6 circumstances or the resulting state that calls for
7 immediate action. The term includes, but is not limited to,
8 a fire, a natural disaster, an automobile crash ~~accident~~,
9 or any situation requiring immediate action to prevent
10 serious bodily injury or loss of life.

11 (3) "Establishment" means any privately-owned place of
12 business operated for a profit to which the public is
13 invited, including, but not limited to, any place of
14 amusement or entertainment.

15 (4) "Guardian" means:

16 (A) a person who, under court order, is the
17 guardian of the person of a minor; or

18 (B) a public or private agency with whom a minor
19 has been placed by a court.

20 (5) "Minor" means any person under 17 years of age.

21 (6) "Parent" means a person who is:

22 (A) a natural parent, adoptive parent, or
23 step-parent of another person; or

24 (B) at least 18 years of age and authorized by a
25 parent or guardian to have the care and custody of a
26 minor.

1 (7) "Public place" means any place to which the public
2 or a substantial group of the public has access and
3 includes, but is not limited to, streets, highways, and the
4 common areas of schools, hospitals, apartment houses,
5 office buildings, transport facilities, and shops.

6 (8) "Remain" means to:

7 (A) linger or stay; or

8 (B) fail to leave premises when requested to do so
9 by a police officer or the owner, operator, or other
10 person in control of the premises.

11 (9) "Serious bodily injury" means bodily injury that
12 creates a substantial risk of death or that causes death,
13 serious permanent disfigurement, or protracted loss or
14 impairment of the function of any bodily member or organ.

15 (e) Sentence. A violation of this Section is a petty
16 offense with a fine of not less than \$10 nor more than \$500,
17 except that neither a person who has been made a ward of the
18 court under the Juvenile Court Act of 1987, nor that person's
19 legal guardian, shall be subject to any fine. In addition to or
20 instead of the fine imposed by this Section, the court may
21 order a parent, legal guardian, or other person convicted of a
22 violation of subsection (a) of this Section to perform
23 community service as determined by the court, except that the
24 legal guardian of a person who has been made a ward of the
25 court under the Juvenile Court Act of 1987 may not be ordered
26 to perform community service. The dates and times established

1 for the performance of community service by the parent, legal
2 guardian, or other person convicted of a violation of
3 subsection (a) of this Section shall not conflict with the
4 dates and times that the person is employed in his or her
5 regular occupation.

6 (f) County, municipal and other local boards and bodies
7 authorized to adopt local police laws and regulations under the
8 constitution and laws of this State may exercise legislative or
9 regulatory authority over this subject matter by ordinance or
10 resolution incorporating the substance of this Section or
11 increasing the requirements thereof or otherwise not in
12 conflict with this Section.

13 (Source: P.A. 97-1109, eff. 1-1-13.)

14 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

15 Sec. 36-1. Property subject to forfeiture.

16 (a) Any vessel or watercraft, vehicle, or aircraft is
17 subject to forfeiture under this Article if the vessel or
18 watercraft, vehicle, or aircraft is used with the knowledge and
19 consent of the owner in the commission of or in the attempt to
20 commit as defined in Section 8-4 of this Code:

21 (1) an offense prohibited by Section 9-1 (first degree
22 murder), Section 9-3 (involuntary manslaughter and
23 reckless homicide), Section 10-2 (aggravated kidnaping),
24 Section 11-1.20 (criminal sexual assault), Section 11-1.30
25 (aggravated criminal sexual assault), Section 11-1.40

1 (predatory criminal sexual assault of a child), subsection
2 (a) of Section 11-1.50 (criminal sexual abuse), subsection
3 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
4 sexual abuse), Section 11-6 (indecent solicitation of a
5 child), Section 11-14.4 (promoting juvenile prostitution
6 except for keeping a place of juvenile prostitution),
7 Section 11-20.1 (child pornography), paragraph (a)(1),
8 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
9 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
10 (aggravated battery), Section 12-7.3 (stalking), Section
11 12-7.4 (aggravated stalking), Section 16-1 (theft if the
12 theft is of precious metal or of scrap metal), subdivision
13 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section
14 18-2 (armed robbery), Section 19-1 (burglary), Section
15 19-2 (possession of burglary tools), Section 19-3
16 (residential burglary), Section 20-1 (arson; residential
17 arson; place of worship arson), Section 20-2 (possession of
18 explosives or explosive or incendiary devices),
19 subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use
20 of weapons), Section 24-1.2 (aggravated discharge of a
21 firearm), Section 24-1.2-5 (aggravated discharge of a
22 machine gun or a firearm equipped with a device designed or
23 used for silencing the report of a firearm), Section 24-1.5
24 (reckless discharge of a firearm), Section 28-1
25 (gambling), or Section 29D-15.2 (possession of a deadly
26 substance) of this Code;

1 suspension or revocation),

2 (iii) paragraph (b) of Section 11-401 (motor
3 vehicle crashes ~~accidents~~ involving death or
4 personal injuries), or

5 (iv) reckless homicide as defined in Section
6 9-3 of this Code;

7 (B) has been previously convicted of reckless
8 homicide or a similar provision of a law of another
9 state relating to reckless homicide in which the person
10 was determined to have been under the influence of
11 alcohol, other drug or drugs, or intoxicating compound
12 or compounds as an element of the offense or the person
13 has previously been convicted of committing a
14 violation of driving under the influence of alcohol or
15 other drug or drugs, intoxicating compound or
16 compounds or any combination thereof and was involved
17 in a motor vehicle crash ~~accident~~ that resulted in
18 death, great bodily harm, or permanent disability or
19 disfigurement to another, when the violation was a
20 proximate cause of the death or injuries;

21 (C) the person committed a violation of driving
22 under the influence of alcohol or other drug or drugs,
23 intoxicating compound or compounds or any combination
24 thereof under Section 11-501 of the Illinois Vehicle
25 Code or a similar provision for the third or subsequent
26 time;

1 (D) he or she did not possess a valid driver's
2 license or permit or a valid restricted driving permit
3 or a valid judicial driving permit or a valid
4 monitoring device driving permit; or

5 (E) he or she knew or should have known that the
6 vehicle he or she was driving was not covered by a
7 liability insurance policy;

8 (7) an offense described in subsection (g) of Section
9 6-303 of the Illinois Vehicle Code;

10 (8) an offense described in subsection (e) of Section
11 6-101 of the Illinois Vehicle Code; or

12 (9) (A) operating a watercraft under the influence of
13 alcohol, other drug or drugs, intoxicating compound or
14 compounds, or combination thereof under Section 5-16 of the
15 Boat Registration and Safety Act during a period in which
16 his or her privileges to operate a watercraft are revoked
17 or suspended and the revocation or suspension was for
18 operating a watercraft under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds, or
20 combination thereof; (B) operating a watercraft under the
21 influence of alcohol, other drug or drugs, intoxicating
22 compound or compounds, or combination thereof and has been
23 previously convicted of reckless homicide or a similar
24 provision of a law in another state relating to reckless
25 homicide in which the person was determined to have been
26 under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds, or combination thereof
2 as an element of the offense or the person has previously
3 been convicted of committing a violation of operating a
4 watercraft under the influence of alcohol, other drug or
5 drugs, intoxicating compound or compounds, or combination
6 thereof and was involved in an accident that resulted in
7 death, great bodily harm, or permanent disability or
8 disfigurement to another, when the violation was a
9 proximate cause of the death or injuries; or (C) the person
10 committed a violation of operating a watercraft under the
11 influence of alcohol, other drug or drugs, intoxicating
12 compound or compounds, or combination thereof under
13 Section 5-16 of the Boat Registration and Safety Act or a
14 similar provision for the third or subsequent time.

15 (b) In addition, any mobile or portable equipment used in
16 the commission of an act which is in violation of Section 7g of
17 the Metropolitan Water Reclamation District Act shall be
18 subject to seizure and forfeiture under the same procedures
19 provided in this Article for the seizure and forfeiture of
20 vessels or watercraft, vehicles, and aircraft, and any such
21 equipment shall be deemed a vessel or watercraft, vehicle, or
22 aircraft for purposes of this Article.

23 (c) In addition, when a person discharges a firearm at
24 another individual from a vehicle with the knowledge and
25 consent of the owner of the vehicle and with the intent to
26 cause death or great bodily harm to that individual and as a

1 result causes death or great bodily harm to that individual,
2 the vehicle shall be subject to seizure and forfeiture under
3 the same procedures provided in this Article for the seizure
4 and forfeiture of vehicles used in violations of clauses (1),
5 (2), (3), or (4) of subsection (a) of this Section.

6 (d) If the spouse of the owner of a vehicle seized for an
7 offense described in subsection (g) of Section 6-303 of the
8 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
9 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
10 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
11 Code makes a showing that the seized vehicle is the only source
12 of transportation and it is determined that the financial
13 hardship to the family as a result of the seizure outweighs the
14 benefit to the State from the seizure, the vehicle may be
15 forfeited to the spouse or family member and the title to the
16 vehicle shall be transferred to the spouse or family member who
17 is properly licensed and who requires the use of the vehicle
18 for employment or family transportation purposes. A written
19 declaration of forfeiture of a vehicle under this Section shall
20 be sufficient cause for the title to be transferred to the
21 spouse or family member. The provisions of this paragraph shall
22 apply only to one forfeiture per vehicle. If the vehicle is the
23 subject of a subsequent forfeiture proceeding by virtue of a
24 subsequent conviction of either spouse or the family member,
25 the spouse or family member to whom the vehicle was forfeited
26 under the first forfeiture proceeding may not utilize the

1 provisions of this paragraph in another forfeiture proceeding.
2 If the owner of the vehicle seized owns more than one vehicle,
3 the procedure set out in this paragraph may be used for only
4 one vehicle.

5 (e) In addition, property subject to forfeiture under
6 Section 40 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act may be seized and forfeited under this Article.

8 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

9 Section 135. The Code of Criminal Procedure of 1963 is
10 amended by changing Section 102-7.1 as follows:

11 (725 ILCS 5/102-7.1)

12 Sec. 102-7.1. "Category A offense". "Category A offense"
13 means a Class 1 felony, Class 2 felony, Class X felony, first
14 degree murder, a violation of Section 11-204 of the Illinois
15 Vehicle Code, a second or subsequent violation of Section
16 11-501 of the Illinois Vehicle Code, a violation of subsection
17 (d) of Section 11-501 of the Illinois Vehicle Code, a violation
18 of Section 11-401 of the Illinois Vehicle Code if the crash
19 ~~accident~~ results in injury and the person failed to report the
20 crash ~~accident~~ within 30 minutes, a violation of Section 9-3,
21 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
22 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
23 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,
24 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a

1 second or subsequent violation of 12-3.2 or 12-3.4 of the
2 Criminal Code of 2012, a violation of paragraph (5) or (6) of
3 subsection (b) of Section 10-9 of the Criminal Code of 2012, a
4 violation of subsection (b) or (c) or paragraph (1) or (2) of
5 subsection (a) of Section 11-1.50 of the Criminal Code of 2012,
6 a violation of Section 12-7 of the Criminal Code of 2012 if the
7 defendant inflicts bodily harm on the victim to obtain a
8 confession, statement, or information, a violation of Section
9 12-7.5 of the Criminal Code of 2012 if the action results in
10 bodily harm, a violation of paragraph (3) of subsection (b) of
11 Section 17-2 of the Criminal Code of 2012, a violation of
12 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of
13 2012, a violation of paragraph (6) of subsection (a) of Section
14 24-1 of the Criminal Code of 2012, a first violation of Section
15 24-1.6 of the Criminal Code of 2012 by a person 18 years of age
16 or older where the factors listed in both items (A) and (C) or
17 both items (A-5) and (C) of paragraph (3) of subsection (a) of
18 Section 24-1.6 of the Criminal Code of 2012 are present, a
19 Class 3 felony violation of paragraph (1) of subsection (a) of
20 Section 2 of the Firearm Owners Identification Card Act, or a
21 violation of Section 10 of the Sex Offender Registration Act.
22 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

23 Section 140. The Rights of Crime Victims and Witnesses Act
24 is amended by changing Section 3 as follows:

1 (725 ILCS 120/3) (from Ch. 38, par. 1403)

2 Sec. 3. The terms used in this Act shall have the following
3 meanings:

4 (a) "Crime victim" or "victim" means: (1) any natural
5 person determined by the prosecutor or the court to have
6 suffered direct physical or psychological harm as a result of a
7 violent crime perpetrated or attempted against that person or
8 direct physical or psychological harm as a result of (i) a
9 violation of Section 11-501 of the Illinois Vehicle Code or
10 similar provision of a local ordinance or (ii) a violation of
11 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
12 of 2012; (2) in the case of a crime victim who is under 18 years
13 of age or an adult victim who is incompetent or incapacitated,
14 both parents, legal guardians, foster parents, or a single
15 adult representative; (3) in the case of an adult deceased
16 victim, 2 representatives who may be the spouse, parent, child
17 or sibling of the victim, or the representative of the victim's
18 estate; and (4) an immediate family member of a victim under
19 clause (1) of this paragraph (a) chosen by the victim. If the
20 victim is 18 years of age or over, the victim may choose any
21 person to be the victim's representative. In no event shall the
22 defendant or any person who aided and abetted in the commission
23 of the crime be considered a victim, a crime victim, or a
24 representative of the victim.

25 A board, agency, or other governmental entity making
26 decisions regarding an offender's release, sentence reduction,

1 or clemency can determine additional persons are victims for
2 the purpose of its proceedings.

3 (a-3) "Advocate" means a person whose communications with
4 the victim are privileged under Section 8-802.1 or 8-802.2 of
5 the Code of Civil Procedure, or Section 227 of the Illinois
6 Domestic Violence Act of 1986.

7 (a-5) "Confer" means to consult together, share
8 information, compare opinions and carry on a discussion or
9 deliberation.

10 (a-7) "Sentence" includes, but is not limited to, the
11 imposition of sentence, a request for a reduction in sentence,
12 parole, mandatory supervised release, aftercare release, early
13 release, inpatient treatment, outpatient treatment,
14 conditional release after a finding that the defendant is not
15 guilty by reason of insanity, clemency, or a proposal that
16 would reduce the defendant's sentence or result in the
17 defendant's release. "Early release" refers to a discretionary
18 release.

19 (a-9) "Sentencing" includes, but is not limited to, the
20 imposition of sentence and a request for a reduction in
21 sentence, parole, mandatory supervised release, aftercare
22 release, early release, consideration of inpatient treatment
23 or outpatient treatment, or conditional release after a finding
24 that the defendant is not guilty by reason of insanity.

25 (a-10) "Status hearing" means a hearing designed to provide
26 information to the court, at which no motion of a substantive

1 nature and no constitutional or statutory right of a crime
2 victim is implicated or at issue.

3 (b) "Witness" means: any person who personally observed the
4 commission of a crime and who will testify on behalf of the
5 State of Illinois; or a person who will be called by the
6 prosecution to give testimony establishing a necessary nexus
7 between the offender and the violent crime.

8 (c) "Violent crime" means: (1) any felony in which force or
9 threat of force was used against the victim; (2) any offense
10 involving sexual exploitation, sexual conduct, or sexual
11 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
12 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
13 Criminal Code of 2012; (4) domestic battery or stalking; (5)
14 violation of an order of protection, a civil no contact order,
15 or a stalking no contact order; (6) any misdemeanor which
16 results in death or great bodily harm to the victim; or (7) any
17 violation of Section 9-3 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, or Section 11-501 of the Illinois
19 Vehicle Code, or a similar provision of a local ordinance, if
20 the violation resulted in personal injury or death. "Violent
21 crime" includes any action committed by a juvenile that would
22 be a violent crime if committed by an adult. For the purposes
23 of this paragraph, "personal injury" shall include any Type A
24 injury as indicated on the traffic crash ~~accident~~ report
25 completed by a law enforcement officer that requires immediate
26 professional attention in either a doctor's office or medical

1 facility. A type A injury shall include severely bleeding
2 wounds, distorted extremities, and injuries that require the
3 injured party to be carried from the scene.

4 (d) (Blank).

5 (e) "Court proceedings" includes, but is not limited to,
6 the preliminary hearing, any post-arraignment hearing the
7 effect of which may be the release of the defendant from
8 custody or to alter the conditions of bond, change of plea
9 hearing, the trial, any pretrial or post-trial hearing,
10 sentencing, any oral argument or hearing before an Illinois
11 appellate court, any hearing under the Mental Health and
12 Developmental Disabilities Code or Section 5-2-4 of the Unified
13 Code of Corrections after a finding that the defendant is not
14 guilty by reason of insanity, including a hearing for
15 conditional release, any hearing related to a modification of
16 sentence, probation revocation hearing, aftercare release or
17 parole hearings, post-conviction relief proceedings, habeas
18 corpus proceedings and clemency proceedings related to the
19 defendant's conviction or sentence. For purposes of the
20 victim's right to be present, "court proceedings" does not
21 include (1) hearings under Section 109-1 of the Code of
22 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
23 status hearings, or (4) the issuance of an order or decision of
24 an Illinois court that dismisses a charge, reverses a
25 conviction, reduces a sentence, or releases an offender under a
26 court rule.

1 (f) "Concerned citizen" includes relatives of the victim,
2 friends of the victim, witnesses to the crime, or any other
3 person associated with the victim or prisoner.

4 (g) "Victim's attorney" means an attorney retained by the
5 victim for the purposes of asserting the victim's
6 constitutional and statutory rights. An attorney retained by
7 the victim means an attorney who is hired to represent the
8 victim at the victim's expense or an attorney who has agreed to
9 provide pro bono representation. Nothing in this statute
10 creates a right to counsel at public expense for a victim.

11 (h) "Support person" means a person chosen by a victim to
12 be present at court proceedings.

13 (Source: P.A. 99-143, eff. 7-27-15; 99-413, eff. 8-20-15;
14 99-642, eff. 7-28-16; 99-671, eff. 1-1-17; 100-961, eff.
15 1-1-19.)

16 Section 145. The Unified Code of Corrections is amended by
17 changing Sections 5-5-3.2 and 5-8-4 as follows:

18 (730 ILCS 5/5-5-3.2)

19 Sec. 5-5-3.2. Factors in aggravation and extended-term
20 sentencing.

21 (a) The following factors shall be accorded weight in favor
22 of imposing a term of imprisonment or may be considered by the
23 court as reasons to impose a more severe sentence under Section
24 5-8-1 or Article 4.5 of Chapter V:

1 (1) the defendant's conduct caused or threatened
2 serious harm;

3 (2) the defendant received compensation for committing
4 the offense;

5 (3) the defendant has a history of prior delinquency or
6 criminal activity;

7 (4) the defendant, by the duties of his office or by
8 his position, was obliged to prevent the particular offense
9 committed or to bring the offenders committing it to
10 justice;

11 (5) the defendant held public office at the time of the
12 offense, and the offense related to the conduct of that
13 office;

14 (6) the defendant utilized his professional reputation
15 or position in the community to commit the offense, or to
16 afford him an easier means of committing it;

17 (7) the sentence is necessary to deter others from
18 committing the same crime;

19 (8) the defendant committed the offense against a
20 person 60 years of age or older or such person's property;

21 (9) the defendant committed the offense against a
22 person who has a physical disability or such person's
23 property;

24 (10) by reason of another individual's actual or
25 perceived race, color, creed, religion, ancestry, gender,
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense
2 against (i) the person or property of that individual; (ii)
3 the person or property of a person who has an association
4 with, is married to, or has a friendship with the other
5 individual; or (iii) the person or property of a relative
6 (by blood or marriage) of a person described in clause (i)
7 or (ii). For the purposes of this Section, "sexual
8 orientation" has the meaning ascribed to it in paragraph
9 (0-1) of Section 1-103 of the Illinois Human Rights Act;

10 (11) the offense took place in a place of worship or on
11 the grounds of a place of worship, immediately prior to,
12 during or immediately following worship services. For
13 purposes of this subparagraph, "place of worship" shall
14 mean any church, synagogue or other building, structure or
15 place used primarily for religious worship;

16 (12) the defendant was convicted of a felony committed
17 while he was released on bail or his own recognizance
18 pending trial for a prior felony and was convicted of such
19 prior felony, or the defendant was convicted of a felony
20 committed while he was serving a period of probation,
21 conditional discharge, or mandatory supervised release
22 under subsection (d) of Section 5-8-1 for a prior felony;

23 (13) the defendant committed or attempted to commit a
24 felony while he was wearing a bulletproof vest. For the
25 purposes of this paragraph (13), a bulletproof vest is any
26 device which is designed for the purpose of protecting the

1 wearer from bullets, shot or other lethal projectiles;

2 (14) the defendant held a position of trust or
3 supervision such as, but not limited to, family member as
4 defined in Section 11-0.1 of the Criminal Code of 2012,
5 teacher, scout leader, baby sitter, or day care worker, in
6 relation to a victim under 18 years of age, and the
7 defendant committed an offense in violation of Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
9 11-14.4 except for an offense that involves keeping a place
10 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
11 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
12 or 12-16 of the Criminal Code of 1961 or the Criminal Code
13 of 2012 against that victim;

14 (15) the defendant committed an offense related to the
15 activities of an organized gang. For the purposes of this
16 factor, "organized gang" has the meaning ascribed to it in
17 Section 10 of the Streetgang Terrorism Omnibus Prevention
18 Act;

19 (16) the defendant committed an offense in violation of
20 one of the following Sections while in a school, regardless
21 of the time of day or time of year; on any conveyance
22 owned, leased, or contracted by a school to transport
23 students to or from school or a school related activity; on
24 the real property of a school; or on a public way within
25 1,000 feet of the real property comprising any school:
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
4 18-2, or 33A-2, or Section 12-3.05 except for subdivision
5 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
6 Criminal Code of 2012;

7 (16.5) the defendant committed an offense in violation
8 of one of the following Sections while in a day care
9 center, regardless of the time of day or time of year; on
10 the real property of a day care center, regardless of the
11 time of day or time of year; or on a public way within
12 1,000 feet of the real property comprising any day care
13 center, regardless of the time of day or time of year:
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision
19 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
20 Criminal Code of 2012;

21 (17) the defendant committed the offense by reason of
22 any person's activity as a community policing volunteer or
23 to prevent any person from engaging in activity as a
24 community policing volunteer. For the purpose of this
25 Section, "community policing volunteer" has the meaning
26 ascribed to it in Section 2-3.5 of the Criminal Code of

1 2012;

2 (18) the defendant committed the offense in a nursing
3 home or on the real property comprising a nursing home. For
4 the purposes of this paragraph (18), "nursing home" means a
5 skilled nursing or intermediate long term care facility
6 that is subject to license by the Illinois Department of
7 Public Health under the Nursing Home Care Act, the
8 Specialized Mental Health Rehabilitation Act of 2013, the
9 ID/DD Community Care Act, or the MC/DD Act;

10 (19) the defendant was a federally licensed firearm
11 dealer and was previously convicted of a violation of
12 subsection (a) of Section 3 of the Firearm Owners
13 Identification Card Act and has now committed either a
14 felony violation of the Firearm Owners Identification Card
15 Act or an act of armed violence while armed with a firearm;

16 (20) the defendant (i) committed the offense of
17 reckless homicide under Section 9-3 of the Criminal Code of
18 1961 or the Criminal Code of 2012 or the offense of driving
19 under the influence of alcohol, other drug or drugs,
20 intoxicating compound or compounds or any combination
21 thereof under Section 11-501 of the Illinois Vehicle Code
22 or a similar provision of a local ordinance and (ii) was
23 operating a motor vehicle in excess of 20 miles per hour
24 over the posted speed limit as provided in Article VI of
25 Chapter 11 of the Illinois Vehicle Code;

26 (21) the defendant (i) committed the offense of

1 reckless driving or aggravated reckless driving under
2 Section 11-503 of the Illinois Vehicle Code and (ii) was
3 operating a motor vehicle in excess of 20 miles per hour
4 over the posted speed limit as provided in Article VI of
5 Chapter 11 of the Illinois Vehicle Code;

6 (22) the defendant committed the offense against a
7 person that the defendant knew, or reasonably should have
8 known, was a member of the Armed Forces of the United
9 States serving on active duty. For purposes of this clause
10 (22), the term "Armed Forces" means any of the Armed Forces
11 of the United States, including a member of any reserve
12 component thereof or National Guard unit called to active
13 duty;

14 (23) the defendant committed the offense against a
15 person who was elderly or infirm or who was a person with a
16 disability by taking advantage of a family or fiduciary
17 relationship with the elderly or infirm person or person
18 with a disability;

19 (24) the defendant committed any offense under Section
20 11-20.1 of the Criminal Code of 1961 or the Criminal Code
21 of 2012 and possessed 100 or more images;

22 (25) the defendant committed the offense while the
23 defendant or the victim was in a train, bus, or other
24 vehicle used for public transportation;

25 (26) the defendant committed the offense of child
26 pornography or aggravated child pornography, specifically

1 including paragraph (1), (2), (3), (4), (5), or (7) of
2 subsection (a) of Section 11-20.1 of the Criminal Code of
3 1961 or the Criminal Code of 2012 where a child engaged in,
4 solicited for, depicted in, or posed in any act of sexual
5 penetration or bound, fettered, or subject to sadistic,
6 masochistic, or sadomasochistic abuse in a sexual context
7 and specifically including paragraph (1), (2), (3), (4),
8 (5), or (7) of subsection (a) of Section 11-20.1B or
9 Section 11-20.3 of the Criminal Code of 1961 where a child
10 engaged in, solicited for, depicted in, or posed in any act
11 of sexual penetration or bound, fettered, or subject to
12 sadistic, masochistic, or sadomasochistic abuse in a
13 sexual context;

14 (27) the defendant committed the offense of first
15 degree murder, assault, aggravated assault, battery,
16 aggravated battery, robbery, armed robbery, or aggravated
17 robbery against a person who was a veteran and the
18 defendant knew, or reasonably should have known, that the
19 person was a veteran performing duties as a representative
20 of a veterans' organization. For the purposes of this
21 paragraph (27), "veteran" means an Illinois resident who
22 has served as a member of the United States Armed Forces, a
23 member of the Illinois National Guard, or a member of the
24 United States Reserve Forces; and "veterans' organization"
25 means an organization comprised of members of which
26 substantially all are individuals who are veterans or

1 spouses, widows, or widowers of veterans, the primary
2 purpose of which is to promote the welfare of its members
3 and to provide assistance to the general public in such a
4 way as to confer a public benefit;

5 (28) the defendant committed the offense of assault,
6 aggravated assault, battery, aggravated battery, robbery,
7 armed robbery, or aggravated robbery against a person that
8 the defendant knew or reasonably should have known was a
9 letter carrier or postal worker while that person was
10 performing his or her duties delivering mail for the United
11 States Postal Service;

12 (29) the defendant committed the offense of criminal
13 sexual assault, aggravated criminal sexual assault,
14 criminal sexual abuse, or aggravated criminal sexual abuse
15 against a victim with an intellectual disability, and the
16 defendant holds a position of trust, authority, or
17 supervision in relation to the victim;

18 (30) the defendant committed the offense of promoting
19 juvenile prostitution, patronizing a prostitute, or
20 patronizing a minor engaged in prostitution and at the time
21 of the commission of the offense knew that the prostitute
22 or minor engaged in prostitution was in the custody or
23 guardianship of the Department of Children and Family
24 Services;

25 (31) the defendant (i) committed the offense of driving
26 while under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds or any combination
2 thereof in violation of Section 11-501 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance
4 and (ii) the defendant during the commission of the offense
5 was driving his or her vehicle upon a roadway designated
6 for one-way traffic in the opposite direction of the
7 direction indicated by official traffic control devices;

8 ~~or~~

9 (32) the defendant committed the offense of reckless
10 homicide while committing a violation of Section 11-907 of
11 the Illinois Vehicle Code;~~or~~

12 (33) ~~(32)~~ the defendant was found guilty of an
13 administrative infraction related to an act or acts of
14 public indecency or sexual misconduct in the penal
15 institution. In this paragraph (33) ~~(32)~~, "penal
16 institution" has the same meaning as in Section 2-14 of the
17 Criminal Code of 2012;or~~or~~

18 (34) ~~(32)~~ the defendant committed the offense of
19 leaving the scene of a crash ~~an accident~~ in violation of
20 subsection (b) of Section 11-401 of the Illinois Vehicle
21 Code and the crash ~~accident~~ resulted in the death of a
22 person and at the time of the offense, the defendant was:
23 (i) driving under the influence of alcohol, other drug or
24 drugs, intoxicating compound or compounds or any
25 combination thereof as defined by Section 11-501 of the
26 Illinois Vehicle Code; or (ii) operating the motor vehicle

1 while using an electronic communication device as defined
2 in Section 12-610.2 of the Illinois Vehicle Code.

3 For the purposes of this Section:

4 "School" is defined as a public or private elementary or
5 secondary school, community college, college, or university.

6 "Day care center" means a public or private State certified
7 and licensed day care center as defined in Section 2.09 of the
8 Child Care Act of 1969 that displays a sign in plain view
9 stating that the property is a day care center.

10 "Intellectual disability" means significantly subaverage
11 intellectual functioning which exists concurrently with
12 impairment in adaptive behavior.

13 "Public transportation" means the transportation or
14 conveyance of persons by means available to the general public,
15 and includes paratransit services.

16 "Traffic control devices" means all signs, signals,
17 markings, and devices that conform to the Illinois Manual on
18 Uniform Traffic Control Devices, placed or erected by authority
19 of a public body or official having jurisdiction, for the
20 purpose of regulating, warning, or guiding traffic.

21 (b) The following factors, related to all felonies, may be
22 considered by the court as reasons to impose an extended term
23 sentence under Section 5-8-2 upon any offender:

24 (1) When a defendant is convicted of any felony, after
25 having been previously convicted in Illinois or any other
26 jurisdiction of the same or similar class felony or greater

1 class felony, when such conviction has occurred within 10
2 years after the previous conviction, excluding time spent
3 in custody, and such charges are separately brought and
4 tried and arise out of different series of acts; or

5 (2) When a defendant is convicted of any felony and the
6 court finds that the offense was accompanied by
7 exceptionally brutal or heinous behavior indicative of
8 wanton cruelty; or

9 (3) When a defendant is convicted of any felony
10 committed against:

11 (i) a person under 12 years of age at the time of
12 the offense or such person's property;

13 (ii) a person 60 years of age or older at the time
14 of the offense or such person's property; or

15 (iii) a person who had a physical disability at the
16 time of the offense or such person's property; or

17 (4) When a defendant is convicted of any felony and the
18 offense involved any of the following types of specific
19 misconduct committed as part of a ceremony, rite,
20 initiation, observance, performance, practice or activity
21 of any actual or ostensible religious, fraternal, or social
22 group:

23 (i) the brutalizing or torturing of humans or
24 animals;

25 (ii) the theft of human corpses;

26 (iii) the kidnapping of humans;

1 (iv) the desecration of any cemetery, religious,
2 fraternal, business, governmental, educational, or
3 other building or property; or

4 (v) ritualized abuse of a child; or

5 (5) When a defendant is convicted of a felony other
6 than conspiracy and the court finds that the felony was
7 committed under an agreement with 2 or more other persons
8 to commit that offense and the defendant, with respect to
9 the other individuals, occupied a position of organizer,
10 supervisor, financier, or any other position of management
11 or leadership, and the court further finds that the felony
12 committed was related to or in furtherance of the criminal
13 activities of an organized gang or was motivated by the
14 defendant's leadership in an organized gang; or

15 (6) When a defendant is convicted of an offense
16 committed while using a firearm with a laser sight attached
17 to it. For purposes of this paragraph, "laser sight" has
18 the meaning ascribed to it in Section 26-7 of the Criminal
19 Code of 2012; or

20 (7) When a defendant who was at least 17 years of age
21 at the time of the commission of the offense is convicted
22 of a felony and has been previously adjudicated a
23 delinquent minor under the Juvenile Court Act of 1987 for
24 an act that if committed by an adult would be a Class X or
25 Class 1 felony when the conviction has occurred within 10
26 years after the previous adjudication, excluding time

1 spent in custody; or

2 (8) When a defendant commits any felony and the
3 defendant used, possessed, exercised control over, or
4 otherwise directed an animal to assault a law enforcement
5 officer engaged in the execution of his or her official
6 duties or in furtherance of the criminal activities of an
7 organized gang in which the defendant is engaged; or

8 (9) When a defendant commits any felony and the
9 defendant knowingly video or audio records the offense with
10 the intent to disseminate the recording.

11 (c) The following factors may be considered by the court as
12 reasons to impose an extended term sentence under Section 5-8-2
13 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

14 (1) When a defendant is convicted of first degree
15 murder, after having been previously convicted in Illinois
16 of any offense listed under paragraph (c)(2) of Section
17 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
18 within 10 years after the previous conviction, excluding
19 time spent in custody, and the charges are separately
20 brought and tried and arise out of different series of
21 acts.

22 (1.5) When a defendant is convicted of first degree
23 murder, after having been previously convicted of domestic
24 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
25 (720 ILCS 5/12-3.3) committed on the same victim or after
26 having been previously convicted of violation of an order

1 of protection (720 ILCS 5/12-30) in which the same victim
2 was the protected person.

3 (2) When a defendant is convicted of voluntary
4 manslaughter, second degree murder, involuntary
5 manslaughter, or reckless homicide in which the defendant
6 has been convicted of causing the death of more than one
7 individual.

8 (3) When a defendant is convicted of aggravated
9 criminal sexual assault or criminal sexual assault, when
10 there is a finding that aggravated criminal sexual assault
11 or criminal sexual assault was also committed on the same
12 victim by one or more other individuals, and the defendant
13 voluntarily participated in the crime with the knowledge of
14 the participation of the others in the crime, and the
15 commission of the crime was part of a single course of
16 conduct during which there was no substantial change in the
17 nature of the criminal objective.

18 (4) If the victim was under 18 years of age at the time
19 of the commission of the offense, when a defendant is
20 convicted of aggravated criminal sexual assault or
21 predatory criminal sexual assault of a child under
22 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
23 of Section 12-14.1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

25 (5) When a defendant is convicted of a felony violation
26 of Section 24-1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
2 finding that the defendant is a member of an organized
3 gang.

4 (6) When a defendant was convicted of unlawful use of
5 weapons under Section 24-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
7 a weapon that is not readily distinguishable as one of the
8 weapons enumerated in Section 24-1 of the Criminal Code of
9 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

10 (7) When a defendant is convicted of an offense
11 involving the illegal manufacture of a controlled
12 substance under Section 401 of the Illinois Controlled
13 Substances Act (720 ILCS 570/401), the illegal manufacture
14 of methamphetamine under Section 25 of the Methamphetamine
15 Control and Community Protection Act (720 ILCS 646/25), or
16 the illegal possession of explosives and an emergency
17 response officer in the performance of his or her duties is
18 killed or injured at the scene of the offense while
19 responding to the emergency caused by the commission of the
20 offense. In this paragraph, "emergency" means a situation
21 in which a person's life, health, or safety is in jeopardy;
22 and "emergency response officer" means a peace officer,
23 community policing volunteer, fireman, emergency medical
24 technician-ambulance, emergency medical
25 technician-intermediate, emergency medical
26 technician-paramedic, ambulance driver, other medical

1 assistance or first aid personnel, or hospital emergency
2 room personnel.

3 (8) When the defendant is convicted of attempted mob
4 action, solicitation to commit mob action, or conspiracy to
5 commit mob action under Section 8-1, 8-2, or 8-4 of the
6 Criminal Code of 2012, where the criminal object is a
7 violation of Section 25-1 of the Criminal Code of 2012, and
8 an electronic communication is used in the commission of
9 the offense. For the purposes of this paragraph (8),
10 "electronic communication" shall have the meaning provided
11 in Section 26.5-0.1 of the Criminal Code of 2012.

12 (d) For the purposes of this Section, "organized gang" has
13 the meaning ascribed to it in Section 10 of the Illinois
14 Streetgang Terrorism Omnibus Prevention Act.

15 (e) The court may impose an extended term sentence under
16 Article 4.5 of Chapter V upon an offender who has been
17 convicted of a felony violation of Section 11-1.20, 11-1.30,
18 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
19 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
20 when the victim of the offense is under 18 years of age at the
21 time of the commission of the offense and, during the
22 commission of the offense, the victim was under the influence
23 of alcohol, regardless of whether or not the alcohol was
24 supplied by the offender; and the offender, at the time of the
25 commission of the offense, knew or should have known that the
26 victim had consumed alcohol.

1 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
2 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

3 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

4 Sec. 5-8-4. Concurrent and consecutive terms of
5 imprisonment.

6 (a) Concurrent terms; multiple or additional sentences.
7 When an Illinois court (i) imposes multiple sentences of
8 imprisonment on a defendant at the same time or (ii) imposes a
9 sentence of imprisonment on a defendant who is already subject
10 to a sentence of imprisonment imposed by an Illinois court, a
11 court of another state, or a federal court, then the sentences
12 shall run concurrently unless otherwise determined by the
13 Illinois court under this Section.

14 (b) Concurrent terms; misdemeanor and felony. A defendant
15 serving a sentence for a misdemeanor who is convicted of a
16 felony and sentenced to imprisonment shall be transferred to
17 the Department of Corrections, and the misdemeanor sentence
18 shall be merged in and run concurrently with the felony
19 sentence.

20 (c) Consecutive terms; permissive. The court may impose
21 consecutive sentences in any of the following circumstances:

22 (1) If, having regard to the nature and circumstances
23 of the offense and the history and character of the
24 defendant, it is the opinion of the court that consecutive
25 sentences are required to protect the public from further

1 criminal conduct by the defendant, the basis for which the
2 court shall set forth in the record.

3 (2) If one of the offenses for which a defendant was
4 convicted was a violation of Section 32-5.2 (aggravated
5 false personation of a peace officer) of the Criminal Code
6 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
7 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
8 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
9 offense was committed in attempting or committing a
10 forcible felony.

11 (d) Consecutive terms; mandatory. The court shall impose
12 consecutive sentences in each of the following circumstances:

13 (1) One of the offenses for which the defendant was
14 convicted was first degree murder or a Class X or Class 1
15 felony and the defendant inflicted severe bodily injury.

16 (2) The defendant was convicted of a violation of
17 Section 11-1.20 or 12-13 (criminal sexual assault),
18 11-1.30 or 12-14 (aggravated criminal sexual assault), or
19 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
20 child) of the Criminal Code of 1961 or the Criminal Code of
21 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
22 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
23 5/12-14.1).

24 (2.5) The defendant was convicted of a violation of
25 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)
26 of Section 11-20.1 (child pornography) or of paragraph (1),

1 (2), (3), (4), (5), or (7) of subsection (a) of Section
2 11-20.1B or 11-20.3 (aggravated child pornography) of the
3 Criminal Code of 1961 or the Criminal Code of 2012; or the
4 defendant was convicted of a violation of paragraph (6) of
5 subsection (a) of Section 11-20.1 (child pornography) or of
6 paragraph (6) of subsection (a) of Section 11-20.1B or
7 11-20.3 (aggravated child pornography) of the Criminal
8 Code of 1961 or the Criminal Code of 2012, when the child
9 depicted is under the age of 13.

10 (3) The defendant was convicted of armed violence based
11 upon the predicate offense of any of the following:
12 solicitation of murder, solicitation of murder for hire,
13 heinous battery as described in Section 12-4.1 or
14 subdivision (a)(2) of Section 12-3.05, aggravated battery
15 of a senior citizen as described in Section 12-4.6 or
16 subdivision (a)(4) of Section 12-3.05, criminal sexual
17 assault, a violation of subsection (g) of Section 5 of the
18 Cannabis Control Act (720 ILCS 550/5), cannabis
19 trafficking, a violation of subsection (a) of Section 401
20 of the Illinois Controlled Substances Act (720 ILCS
21 570/401), controlled substance trafficking involving a
22 Class X felony amount of controlled substance under Section
23 401 of the Illinois Controlled Substances Act (720 ILCS
24 570/401), a violation of the Methamphetamine Control and
25 Community Protection Act (720 ILCS 646/), calculated
26 criminal drug conspiracy, or streetgang criminal drug

1 conspiracy.

2 (4) The defendant was convicted of the offense of
3 leaving the scene of a motor vehicle crash ~~accident~~
4 involving death or personal injuries under Section 11-401
5 of the Illinois Vehicle Code (625 ILCS 5/11-401) and
6 either: (A) aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof under Section 11-501
9 of the Illinois Vehicle Code (625 ILCS 5/11-501), (B)
10 reckless homicide under Section 9-3 of the Criminal Code of
11 1961 or the Criminal Code of 2012 (720 ILCS 5/9-3), or (C)
12 both an offense described in item (A) and an offense
13 described in item (B).

14 (5) The defendant was convicted of a violation of
15 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
16 death) or Section 12-20.5 (dismembering a human body) of
17 the Criminal Code of 1961 or the Criminal Code of 2012 (720
18 ILCS 5/9-3.1 or 5/12-20.5).

19 (5.5) The defendant was convicted of a violation of
20 Section 24-3.7 (use of a stolen firearm in the commission
21 of an offense) of the Criminal Code of 1961 or the Criminal
22 Code of 2012.

23 (6) If the defendant was in the custody of the
24 Department of Corrections at the time of the commission of
25 the offense, the sentence shall be served consecutive to
26 the sentence under which the defendant is held by the

1 Department of Corrections. If, however, the defendant is
2 sentenced to punishment by death, the sentence shall be
3 executed at such time as the court may fix without regard
4 to the sentence under which the defendant may be held by
5 the Department.

6 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
7 for escape or attempted escape shall be served consecutive
8 to the terms under which the offender is held by the
9 Department of Corrections.

10 (8) If a person charged with a felony commits a
11 separate felony while on pretrial release or in pretrial
12 detention in a county jail facility or county detention
13 facility, then the sentences imposed upon conviction of
14 these felonies shall be served consecutively regardless of
15 the order in which the judgments of conviction are entered.

16 (8.5) If a person commits a battery against a county
17 correctional officer or sheriff's employee while serving a
18 sentence or in pretrial detention in a county jail
19 facility, then the sentence imposed upon conviction of the
20 battery shall be served consecutively with the sentence
21 imposed upon conviction of the earlier misdemeanor or
22 felony, regardless of the order in which the judgments of
23 conviction are entered.

24 (9) If a person admitted to bail following conviction
25 of a felony commits a separate felony while free on bond or
26 if a person detained in a county jail facility or county

1 detention facility following conviction of a felony
2 commits a separate felony while in detention, then any
3 sentence following conviction of the separate felony shall
4 be consecutive to that of the original sentence for which
5 the defendant was on bond or detained.

6 (10) If a person is found to be in possession of an
7 item of contraband, as defined in Section 31A-0.1 of the
8 Criminal Code of 2012, while serving a sentence in a county
9 jail or while in pre-trial detention in a county jail, the
10 sentence imposed upon conviction for the offense of
11 possessing contraband in a penal institution shall be
12 served consecutively to the sentence imposed for the
13 offense in which the person is serving sentence in the
14 county jail or serving pretrial detention, regardless of
15 the order in which the judgments of conviction are entered.

16 (11) If a person is sentenced for a violation of bail
17 bond under Section 32-10 of the Criminal Code of 1961 or
18 the Criminal Code of 2012, any sentence imposed for that
19 violation shall be served consecutive to the sentence
20 imposed for the charge for which bail had been granted and
21 with respect to which the defendant has been convicted.

22 (e) Consecutive terms; subsequent non-Illinois term. If an
23 Illinois court has imposed a sentence of imprisonment on a
24 defendant and the defendant is subsequently sentenced to a term
25 of imprisonment by a court of another state or a federal court,
26 then the Illinois sentence shall run consecutively to the

1 sentence imposed by the court of the other state or the federal
2 court. That same Illinois court, however, may order that the
3 Illinois sentence run concurrently with the sentence imposed by
4 the court of the other state or the federal court, but only if
5 the defendant applies to that same Illinois court within 30
6 days after the sentence imposed by the court of the other state
7 or the federal court is finalized.

8 (f) Consecutive terms; aggregate maximums and minimums.
9 The aggregate maximum and aggregate minimum of consecutive
10 sentences shall be determined as follows:

11 (1) For sentences imposed under law in effect prior to
12 February 1, 1978, the aggregate maximum of consecutive
13 sentences shall not exceed the maximum term authorized
14 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
15 Chapter V for the 2 most serious felonies involved. The
16 aggregate minimum period of consecutive sentences shall
17 not exceed the highest minimum term authorized under
18 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
19 V for the 2 most serious felonies involved. When sentenced
20 only for misdemeanors, a defendant shall not be
21 consecutively sentenced to more than the maximum for one
22 Class A misdemeanor.

23 (2) For sentences imposed under the law in effect on or
24 after February 1, 1978, the aggregate of consecutive
25 sentences for offenses that were committed as part of a
26 single course of conduct during which there was no

1 substantial change in the nature of the criminal objective
2 shall not exceed the sum of the maximum terms authorized
3 under Article 4.5 of Chapter V for the 2 most serious
4 felonies involved, but no such limitation shall apply for
5 offenses that were not committed as part of a single course
6 of conduct during which there was no substantial change in
7 the nature of the criminal objective. When sentenced only
8 for misdemeanors, a defendant shall not be consecutively
9 sentenced to more than the maximum for one Class A
10 misdemeanor.

11 (g) Consecutive terms; manner served. In determining the
12 manner in which consecutive sentences of imprisonment, one or
13 more of which is for a felony, will be served, the Department
14 of Corrections shall treat the defendant as though he or she
15 had been committed for a single term subject to each of the
16 following:

17 (1) The maximum period of a term of imprisonment shall
18 consist of the aggregate of the maximums of the imposed
19 indeterminate terms, if any, plus the aggregate of the
20 imposed determinate sentences for felonies, plus the
21 aggregate of the imposed determinate sentences for
22 misdemeanors, subject to subsection (f) of this Section.

23 (2) The parole or mandatory supervised release term
24 shall be as provided in paragraph (e) of Section 5-4.5-50
25 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
26 involved.

1 (3) The minimum period of imprisonment shall be the
2 aggregate of the minimum and determinate periods of
3 imprisonment imposed by the court, subject to subsection
4 (f) of this Section.

5 (4) The defendant shall be awarded credit against the
6 aggregate maximum term and the aggregate minimum term of
7 imprisonment for all time served in an institution since
8 the commission of the offense or offenses and as a
9 consequence thereof at the rate specified in Section 3-6-3
10 (730 ILCS 5/3-6-3).

11 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;
12 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.
13 1-1-14.)

14 Section 150. The Cannabis and Controlled Substances Tort
15 Claims Act is amended by changing Section 2 as follows:

16 (740 ILCS 20/2) (from Ch. 70, par. 902)

17 Sec. 2. Findings and intent.

18 (a) The General Assembly finds that the abuse of cannabis
19 and controlled substances:

20 (1) greatly increases incidents involving crimes of
21 violence and threats of crimes of violence;

22 (2) causes death or severe and often irreversible
23 injuries to newborn children;

24 (3) accounts for the commission of the majority of

1 property crimes committed within this State;

2 (4) causes motor vehicle crashes and~~7~~ job related~~7~~ and
3 numerous other types of accidents that frequently result in
4 death or permanent injuries;

5 (5) contributes to the disintegration of the family;

6 (6) interferes with the duty of parents and legal
7 guardians to provide for the physical, mental, and
8 emotional well-being of their unemancipated children and
9 with the rights of parents and legal guardians to raise the
10 children free from the physical, mental, and emotional
11 trauma that is caused by the abuse of cannabis and
12 controlled substances;

13 (7) encourages and fosters the growth of urban gangs
14 engaged in violent and nonviolent crime;

15 (8) furthers the interests of elements of organized
16 criminals;

17 (9) increases the dropout, truancy, and failure rates
18 of children attending schools within this State;

19 (10) stifles educational opportunities for both drug
20 users and nonusers;

21 (11) contributes to the unemployment rate within this
22 State;

23 (12) reduces the productivity of employees, retards
24 competitiveness within the established business community,
25 and hinders the formation and growth of new businesses;

26 (13) reduces the value of real property;

1 (14) costs the citizens of this State billions of
2 dollars in federal, State, and local taxes for increased
3 costs for law enforcement, welfare, and education;

4 (15) costs the citizens of this State billions of
5 dollars in increased costs for consumer goods and services,
6 insurance premiums, and medical treatment;

7 (16) hinders citizens from freely using public parks,
8 streets, schools, forest preserves, playgrounds, and other
9 public areas; and

10 (17) contributes to a lower quality of life and
11 standard of living for the citizens of this State.

12 (b) The General Assembly finds that, in light of the
13 findings made in subsection (a), any violation of the Cannabis
14 Control Act, the Methamphetamine Control and Community
15 Protection Act, or the Illinois Controlled Substances Act that
16 involves the nonconsensual use of the real or personal property
17 of another person, whether that person is an individual or a
18 governmental or private entity representing a collection of
19 individuals, is so injurious to the property interests and the
20 well-being of that person that the violation gives rise to a
21 cause of action sounding in tort. The General Assembly also
22 finds that the delivery of a controlled substance or cannabis
23 in violation of the Illinois Controlled Substances Act, the
24 Methamphetamine Control and Community Protection Act, or the
25 Cannabis Control Act to an unemancipated minor under the age of
26 18 is so injurious to the rights and duties of parents and

1 legal guardians relating to the physical, mental, and emotional
2 well-being of that minor that the violation also gives rise to
3 a cause of action sounding in tort. The General Assembly
4 further finds that although the damage a person suffers through
5 the nonconsensual use of his property to facilitate such a
6 violation or the damage a parent or legal guardian suffers as
7 the result of the delivery to the minor of cannabis or a
8 substance in violation of the Cannabis Control Act, the
9 Methamphetamine Control and Community Protection Act, or the
10 Illinois Controlled Substances Act is often subtle and
11 incapable of precise articulation, that damage is nonetheless
12 real and substantial. It is therefore the intent of the General
13 Assembly to create a cause of action with statutorily
14 prescribed damages for the conduct described in this Act.

15 (Source: P.A. 94-556, eff. 9-11-05.)

16 Section 155. The Crime Victims Compensation Act is amended
17 by changing Section 2 as follows:

18 (740 ILCS 45/2) (from Ch. 70, par. 72)

19 Sec. 2. Definitions. As used in this Act, unless the
20 context otherwise requires:

21 (a) "Applicant" means any person who applies for
22 compensation under this Act or any person the Court of Claims
23 finds is entitled to compensation, including the guardian of a
24 minor or of a person under legal disability. It includes any

1 person who was a dependent of a deceased victim of a crime of
2 violence for his or her support at the time of the death of
3 that victim.

4 (b) "Court of Claims" means the Court of Claims created by
5 the Court of Claims Act.

6 (c) "Crime of violence" means and includes any offense
7 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
8 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
9 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
10 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1,
11 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14,
12 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or
13 Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
14 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
15 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
16 the Cemetery Protection Act, Section 125 of the Stalking No
17 Contact Order Act, Section 219 of the Civil No Contact Order
18 Act, driving under the influence as defined in Section 11-501
19 of the Illinois Vehicle Code, a violation of Section 11-401 of
20 the Illinois Vehicle Code, provided the victim was a pedestrian
21 or was operating a vehicle moved solely by human power or a
22 mobility device at the time of contact, and a violation of
23 Section 11-204.1 of the Illinois Vehicle Code; so long as the
24 offense did not occur during a civil riot, insurrection or
25 rebellion. "Crime of violence" does not include any other
26 offense or crash ~~accident~~ involving a motor vehicle except

1 those vehicle offenses specifically provided for in this
2 paragraph. "Crime of violence" does include all of the offenses
3 specifically provided for in this paragraph that occur within
4 this State but are subject to federal jurisdiction and crimes
5 involving terrorism as defined in 18 U.S.C. 2331.

6 (d) "Victim" means (1) a person killed or injured in this
7 State as a result of a crime of violence perpetrated or
8 attempted against him or her, (2) the spouse or parent of a
9 person killed or injured in this State as a result of a crime
10 of violence perpetrated or attempted against the person, (3) a
11 person killed or injured in this State while attempting to
12 assist a person against whom a crime of violence is being
13 perpetrated or attempted, if that attempt of assistance would
14 be expected of a reasonable person under the circumstances, (4)
15 a person killed or injured in this State while assisting a law
16 enforcement official apprehend a person who has perpetrated a
17 crime of violence or prevent the perpetration of any such crime
18 if that assistance was in response to the express request of
19 the law enforcement official, (5) a person who personally
20 witnessed a violent crime, (5.05) a person who will be called
21 as a witness by the prosecution to establish a necessary nexus
22 between the offender and the violent crime, (5.1) solely for
23 the purpose of compensating for pecuniary loss incurred for
24 psychological treatment of a mental or emotional condition
25 caused or aggravated by the crime, any other person under the
26 age of 18 who is the brother, sister, half brother, half

1 sister, child, or stepchild of a person killed or injured in
2 this State as a result of a crime of violence, (6) an Illinois
3 resident who is a victim of a "crime of violence" as defined in
4 this Act except, if the crime occurred outside this State, the
5 resident has the same rights under this Act as if the crime had
6 occurred in this State upon a showing that the state,
7 territory, country, or political subdivision of a country in
8 which the crime occurred does not have a compensation of
9 victims of crimes law for which that Illinois resident is
10 eligible, (7) a deceased person whose body is dismembered or
11 whose remains are desecrated as the result of a crime of
12 violence, or (8) solely for the purpose of compensating for
13 pecuniary loss incurred for psychological treatment of a mental
14 or emotional condition caused or aggravated by the crime, any
15 parent, spouse, or child under the age of 18 of a deceased
16 person whose body is dismembered or whose remains are
17 desecrated as the result of a crime of violence.

18 (e) "Dependent" means a relative of a deceased victim who
19 was wholly or partially dependent upon the victim's income at
20 the time of his or her death and shall include the child of a
21 victim born after his or her death.

22 (f) "Relative" means a spouse, parent, grandparent,
23 stepfather, stepmother, child, grandchild, brother,
24 brother-in-law, sister, sister-in-law, half brother, half
25 sister, spouse's parent, nephew, niece, uncle or aunt.

26 (g) "Child" means an unmarried son or daughter who is under

1 18 years of age and includes a stepchild, an adopted child or a
2 child born out of wedlock.

3 (h) "Pecuniary loss" means, in the case of injury,
4 appropriate medical expenses and hospital expenses including
5 expenses of medical examinations, rehabilitation, medically
6 required nursing care expenses, appropriate psychiatric care
7 or psychiatric counseling expenses, appropriate expenses for
8 care or counseling by a licensed clinical psychologist,
9 licensed clinical social worker, licensed professional
10 counselor, or licensed clinical professional counselor and
11 expenses for treatment by Christian Science practitioners and
12 nursing care appropriate thereto; transportation expenses to
13 and from medical and counseling treatment facilities;
14 prosthetic appliances, eyeglasses, and hearing aids necessary
15 or damaged as a result of the crime; costs associated with
16 trafficking tattoo removal by a person authorized or licensed
17 to perform the specific removal procedure; replacement costs
18 for clothing and bedding used as evidence; costs associated
19 with temporary lodging or relocation necessary as a result of
20 the crime, including, but not limited to, the first month's
21 rent and security deposit of the dwelling that the claimant
22 relocated to and other reasonable relocation expenses incurred
23 as a result of the violent crime; locks or windows necessary or
24 damaged as a result of the crime; the purchase, lease, or
25 rental of equipment necessary to create usability of and
26 accessibility to the victim's real and personal property, or

1 the real and personal property which is used by the victim,
2 necessary as a result of the crime; the costs of appropriate
3 crime scene clean-up; replacement services loss, to a maximum
4 of \$1,250 per month; dependents replacement services loss, to a
5 maximum of \$1,250 per month; loss of tuition paid to attend
6 grammar school or high school when the victim had been enrolled
7 as a student prior to the injury, or college or graduate school
8 when the victim had been enrolled as a day or night student
9 prior to the injury when the victim becomes unable to continue
10 attendance at school as a result of the crime of violence
11 perpetrated against him or her; loss of earnings, loss of
12 future earnings because of disability resulting from the
13 injury, and, in addition, in the case of death, expenses for
14 funeral, burial, and travel and transport for survivors of
15 homicide victims to secure bodies of deceased victims and to
16 transport bodies for burial all of which may not exceed a
17 maximum of \$7,500 and loss of support of the dependents of the
18 victim; in the case of dismemberment or desecration of a body,
19 expenses for funeral and burial, all of which may not exceed a
20 maximum of \$7,500. Loss of future earnings shall be reduced by
21 any income from substitute work actually performed by the
22 victim or by income he or she would have earned in available
23 appropriate substitute work he or she was capable of performing
24 but unreasonably failed to undertake. Loss of earnings, loss of
25 future earnings and loss of support shall be determined on the
26 basis of the victim's average net monthly earnings for the 6

1 months immediately preceding the date of the injury or on
2 \$1,250 per month, whichever is less or, in cases where the
3 absences commenced more than 3 years from the date of the
4 crime, on the basis of the net monthly earnings for the 6
5 months immediately preceding the date of the first absence, not
6 to exceed \$1,250 per month. If a divorced or legally separated
7 applicant is claiming loss of support for a minor child of the
8 deceased, the amount of support for each child shall be based
9 either on the amount of support pursuant to the judgment prior
10 to the date of the deceased victim's injury or death, or, if
11 the subject of pending litigation filed by or on behalf of the
12 divorced or legally separated applicant prior to the injury or
13 death, on the result of that litigation. Real and personal
14 property includes, but is not limited to, vehicles, houses,
15 apartments, town houses, or condominiums. Pecuniary loss does
16 not include pain and suffering or property loss or damage.

17 (i) "Replacement services loss" means expenses reasonably
18 incurred in obtaining ordinary and necessary services in lieu
19 of those the injured person would have performed, not for
20 income, but for the benefit of himself or herself or his or her
21 family, if he or she had not been injured.

22 (j) "Dependents replacement services loss" means loss
23 reasonably incurred by dependents or private legal guardians of
24 minor dependents after a victim's death in obtaining ordinary
25 and necessary services in lieu of those the victim would have
26 performed, not for income, but for their benefit, if he or she

1 had not been fatally injured.

2 (k) "Survivor" means immediate family including a parent,
3 stepfather, stepmother, child, brother, sister, or spouse.

4 (l) "Parent" means a natural parent, adopted parent,
5 stepparent, or permanent legal guardian of another person.

6 (m) "Trafficking tattoo" is a tattoo which is applied to a
7 victim in connection with the commission of a violation of
8 Section 10-9 of the Criminal Code of 2012.

9 (Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19.)

10 Section 160. The Automotive Collision Repair Act is amended
11 by changing Sections 10 and 30 as follows:

12 (815 ILCS 308/10)

13 Sec. 10. Definitions. As used in this Act:

14 "Automotive collision and body repair" means all repairs
15 that are commonly performed by a body repair technician to
16 restore a motor vehicle damaged in a crash ~~an accident~~ or
17 collision to a condition similar to the motor vehicle condition
18 prior to the damage or deterioration including, but not limited
19 to, the diagnosis, installation, exchange, repair, or
20 refinishing of exterior body panels, trim, lighting, and
21 structural chassis. The term does not include commercial fleet
22 repair or maintenance transactions involving 2 or more motor
23 vehicles or ongoing service or maintenance contracts involving
24 motor vehicles used primarily for business purposes.

1 "Automotive collision and body repair facility" means a
2 person, firm, association, or corporation that for
3 compensation engages in the business of cosmetic repair,
4 structural repair, or refinishing of motor vehicles with defect
5 related to crash ~~accident~~ or collision.

6 "New part" means a part or component manufactured or
7 supplied by the original motor vehicle manufacturer in an
8 unused condition.

9 "Used part" means an original motor vehicle manufacturer
10 part or component removed from a motor vehicle of similar make,
11 model, and condition without the benefit of being rebuilt or
12 remanufactured.

13 "Rebuilt part" or "reconditioned part" means a used part
14 that has been inspected and remanufactured to restore
15 functionality and performance.

16 "Aftermarket part" means a new part that is not
17 manufactured or supplied by the original motor vehicle
18 manufacturer for addition to, or replacement of, exterior body
19 panel or trim.

20 (Source: P.A. 93-565, eff. 1-1-04.)

21 (815 ILCS 308/30)

22 Sec. 30. Consumers authorizations of repairs or other
23 actions. After receiving the estimate, the owner or the owner's
24 agent may (i) authorize the repairs at the estimate of cost and
25 time in writing, or (ii) request the return of the motor

1 vehicle in a disassembled state. If the consumer elects the
2 return of the motor vehicle in a disassembled or partially
3 repaired state, the consumer may also request the return of all
4 parts that were removed during disassembly or repair with the
5 exception of parts that were damaged in a crash ~~an accident~~ or
6 collision to the extent that retention by the collision repair
7 facility was not feasible. The collision repair facility shall
8 make the motor vehicle available for possession within 3
9 working days after the time of request. The collision repair
10 facility may receive payment for only those items on the
11 schedule of charges to which the facility is entitled.

12 (Source: P.A. 93-565, eff. 1-1-04.)

13 Section 995. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.

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21	720 ILCS 5/36-1	from Ch. 38, par. 36-1
22	725 ILCS 5/102-7.1	
23	725 ILCS 120/3	from Ch. 38, par. 1403
24	730 ILCS 5/5-5-3.2	
25	730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4
26	740 ILCS 20/2	from Ch. 70, par. 902

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- 1 740 ILCS 45/2 from Ch. 70, par. 72
- 2 815 ILCS 308/10
- 3 815 ILCS 308/30