



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2230

Introduced 1/11/2006, by Sen. Antonio Munoz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103.1	
625 ILCS 5/6-107.4 new	
625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110
625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-206.1	from Ch. 95 1/2, par. 6-206.1
625 ILCS 5/6-301.2	from Ch. 95 1/2, par. 6-301.2
625 ILCS 5/6-507	from Ch. 95 1/2, par. 6-507
625 ILCS 5/6-514	from Ch. 95 1/2, par. 6-514
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-1301.3	from Ch. 95 1/2, par. 11-1301.3

Amends the Illinois Vehicle Code. Provides that the Secretary of State may issue a temporary driver's license to a qualified applicant under the age of 18, permitting the operation of a motor vehicle when the Secretary of State is unable to produce a driver's license due to an equipment or computer program failure or lack of necessary equipment. Provides for expiration of the temporary license, which may last not longer than 30 days. Deletes the requirement that a driver's license bear the licensee's social security number. Shortens from 10 to 5 days the period in which the clerk of the court must forward to the Secretary of State a report of a conviction which might result in the suspension of the defendant's driver's license or permit. Provides that the Secretary may suspend the driver's license or permit of a person convicted of unauthorized use of a parking place reserved for a person with disabilities. Provides that a court may not issue a judicial driving permit (JDP) for the operation of a commercial vehicle to a person whose driving privileges (rather than whose CDL driving privileges) have been suspended under any provision of the Code in accordance with federal regulations. Provides that it is unlawful to possess, use, or allow to be used, any materials, hardware, or software specifically designed or primarily used for the reading of encrypted language from the bar code or magnetic strip of an official Illinois driver's license (rather than of an Illinois Identification Card or Disabled Person Identification Card). Provides that a person shall be disqualified from commercial driving privileges if he or she operates a non-commercial vehicle with an alcohol concentration in excess of the legal limit while holding a commercial driver's license (CDL). Makes other changes in CDL provisions in accordance with the Uniform Commercial Driver's Licensing Act (UCDLA). Increases from \$250 to \$350 the maximum amount of the fine and late penalty for any one violation of vehicular standing, parking, and compliance regulations enacted by ordinance. Makes other changes. Effective immediately.

LRB094 17721 DRH 53020 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-103.1, 6-110, 6-204, 6-206, 6-206.1, 6-301.2,
6 6-507, 6-514, and 11-208.3 and adding Sections 6-107.4 and
7 11-1301.3 as follows:

8 (625 ILCS 5/6-103.1)

9 Sec. 6-103.1. New residents; out-of-state revocation.

10 (a) The Secretary of State may not issue a driver's license
11 to a nonresident who becomes a resident of this State while the
12 new resident's driving privileges are revoked, under terms
13 similar to those provided in Section 1-176 of this Code, in
14 another state.

15 (b) The Secretary may issue restricted driving permits to
16 new residents whose driving privileges are revoked in another
17 state. These permits must be issued according to the
18 restrictions, and for the purposes, stated in Sections 6-205
19 and 6-206 of this Code. The Secretary shall adopt rules for the
20 issuance of these permits.

21 (c) A restricted driving permit issued under this Section
22 is subject to cancellation, revocation, and suspension by the
23 Secretary of State in the same manner and for the same causes
24 as a driver's license issued under this Code may be cancelled,
25 revoked, or suspended, except that a conviction of one or more
26 offenses against laws or ordinances regulating the movement of
27 traffic is sufficient cause for the revocation, suspension, or
28 cancellation of a restricted driving permit.

29 (Source: P.A. 94-473, eff. 1-1-06.)

30 (625 ILCS 5/6-107.4 new)

31 Sec. 6-107.4. Temporary driver's license; applicant under

1 18. The Secretary of State may issue a temporary driver's
2 license to an applicant under the age of 18 permitting the
3 operation of a motor vehicle when the Secretary of State is
4 unable to produce a driver's license due to an equipment or
5 computer program failure or lack of necessary equipment, if the
6 applicant is not otherwise ineligible for a driver's license
7 and has met all the requirements of Section 6-107. The
8 temporary driver's license must be in the applicant's immediate
9 possession while he or she is operating a motor vehicle. The
10 temporary license is invalid if the applicant's driver's
11 license has been issued or for good cause has been refused. The
12 Secretary of State may issue this temporary driver's license
13 for any appropriate period not exceeding 30 days.

14 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

15 Sec. 6-110. Licenses issued to drivers.

16 (a) The Secretary of State shall issue to every qualifying
17 applicant a driver's license as applied for, which license
18 shall bear a distinguishing number assigned to the licensee,
19 the legal name, ~~social security number~~, zip code, date of
20 birth, residence address, and a brief description of the
21 licensee, and a space where the licensee may write his usual
22 signature.

23 If the licensee is less than 17 years of age, the license
24 shall, as a matter of law, be invalid for the operation of any
25 motor vehicle during any time the licensee is prohibited from
26 being on any street or highway under the provisions of the
27 Child Curfew Act.

28 Licenses issued shall also indicate the classification and
29 the restrictions under Section 6-104 of this Code.

30 In lieu of the social security number, the Secretary may in
31 his discretion substitute a federal tax number or other
32 distinctive number.

33 A driver's license issued may, in the discretion of the
34 Secretary, include a suitable photograph of a type prescribed
35 by the Secretary.

1 (b) Until the Secretary of State establishes a First Person
2 Consent organ and tissue donor registry under Section 6-117 of
3 this Code, the Secretary of State shall provide a format on the
4 reverse of each driver's license issued which the licensee may
5 use to execute a document of gift conforming to the provisions
6 of the Illinois Anatomical Gift Act. The format shall allow the
7 licensee to indicate the gift intended, whether specific
8 organs, any organ, or the entire body, and shall accommodate
9 the signatures of the donor and 2 witnesses. The Secretary
10 shall also inform each applicant or licensee of this format,
11 describe the procedure for its execution, and may offer the
12 necessary witnesses; provided that in so doing, the Secretary
13 shall advise the applicant or licensee that he or she is under
14 no compulsion to execute a document of gift. A brochure
15 explaining this method of executing an anatomical gift document
16 shall be given to each applicant or licensee. The brochure
17 shall advise the applicant or licensee that he or she is under
18 no compulsion to execute a document of gift, and that he or she
19 may wish to consult with family, friends or clergy before doing
20 so. The Secretary of State may undertake additional efforts,
21 including education and awareness activities, to promote organ
22 and tissue donation.

23 (c) The Secretary of State shall designate on each driver's
24 license issued a space where the licensee may place a sticker
25 or decal of the uniform size as the Secretary may specify,
26 which sticker or decal may indicate in appropriate language
27 that the owner of the license carries an Emergency Medical
28 Information Card.

29 The sticker may be provided by any person, hospital,
30 school, medical group, or association interested in assisting
31 in implementing the Emergency Medical Information Card, but
32 shall meet the specifications as the Secretary may by rule or
33 regulation require.

34 (d) The Secretary of State shall designate on each driver's
35 license issued a space where the licensee may indicate his
36 blood type and RH factor.

1 (e) The Secretary of State shall provide that each original
2 or renewal driver's license issued to a licensee under 21 years
3 of age shall be of a distinct nature from those driver's
4 licenses issued to individuals 21 years of age and older. The
5 color designated for driver's licenses for licensees under 21
6 years of age shall be at the discretion of the Secretary of
7 State.

8 (e-1) The Secretary shall provide that each driver's
9 license issued to a person under the age of 21 displays the
10 date upon which the person becomes 18 years of age and the date
11 upon which the person becomes 21 years of age.

12 (f) The Secretary of State shall inform all Illinois
13 licensed commercial motor vehicle operators of the
14 requirements of the Uniform Commercial Driver License Act,
15 Article V of this Chapter, and shall make provisions to insure
16 that all drivers, seeking to obtain a commercial driver's
17 license, be afforded an opportunity prior to April 1, 1992, to
18 obtain the license. The Secretary is authorized to extend
19 driver's license expiration dates, and assign specific times,
20 dates and locations where these commercial driver's tests shall
21 be conducted. Any applicant, regardless of the current
22 expiration date of the applicant's driver's license, may be
23 subject to any assignment by the Secretary. Failure to comply
24 with the Secretary's assignment may result in the applicant's
25 forfeiture of an opportunity to receive a commercial driver's
26 license prior to April 1, 1992.

27 (g) The Secretary of State shall designate on a driver's
28 license issued, a space where the licensee may indicate that he
29 or she has drafted a living will in accordance with the
30 Illinois Living Will Act or a durable power of attorney for
31 health care in accordance with the Illinois Power of Attorney
32 Act.

33 (g-1) The Secretary of State, in his or her discretion, may
34 designate on each driver's license issued a space where the
35 licensee may place a sticker or decal, issued by the Secretary
36 of State, of uniform size as the Secretary may specify, that

1 shall indicate in appropriate language that the owner of the
2 license has renewed his or her driver's license.

3 (h) A person who acts in good faith in accordance with the
4 terms of this Section is not liable for damages in any civil
5 action or subject to prosecution in any criminal proceeding for
6 his or her act.

7 (Source: P.A. 93-794, eff. 7-22-04; 93-895, eff. 1-1-05; 94-75,
8 eff. 1-1-06.)

9 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

10 Sec. 6-204. When Court to forward License and Reports.

11 (a) For the purpose of providing to the Secretary of State
12 the records essential to the performance of the Secretary's
13 duties under this Code to cancel, revoke or suspend the
14 driver's license and privilege to drive motor vehicles of
15 certain minors adjudicated truant minors in need of
16 supervision, addicted, or delinquent and of persons found
17 guilty of the criminal offenses or traffic violations which
18 this Code recognizes as evidence relating to unfitness to
19 safely operate motor vehicles, the following duties are imposed
20 upon public officials:

21 (1) Whenever any person is convicted of any offense for
22 which this Code makes mandatory the cancellation or
23 revocation of the driver's license or permit of such person
24 by the Secretary of State, the judge of the court in which
25 such conviction is had shall require the surrender to the
26 clerk of the court of all driver's licenses or permits then
27 held by the person so convicted, and the clerk of the court
28 shall, within 5 days thereafter, forward the same, together
29 with a report of such conviction, to the Secretary.

30 (2) Whenever any person is convicted of any offense
31 under this Code or similar offenses under a municipal
32 ordinance, other than regulations governing standing,
33 parking or weights of vehicles, and excepting the following
34 enumerated Sections of this Code: Sections 11-1406
35 (obstruction to driver's view or control), 11-1407

1 (improper opening of door into traffic), 11-1410 (coasting
2 on downgrade), 11-1411 (following fire apparatus),
3 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
4 vehicle which is in unsafe condition or improperly
5 equipped), 12-201(a) (daytime lights on motorcycles),
6 12-202 (clearance, identification and side marker lamps),
7 12-204 (lamp or flag on projecting load), 12-205 (failure
8 to display the safety lights required), 12-401
9 (restrictions as to tire equipment), 12-502 (mirrors),
10 12-503 (windshields must be unobstructed and equipped with
11 wipers), 12-601 (horns and warning devices), 12-602
12 (mufflers, prevention of noise or smoke), 12-603 (seat
13 safety belts), 12-702 (certain vehicles to carry flares or
14 other warning devices), 12-703 (vehicles for oiling roads
15 operated on highways), 12-710 (splash guards and
16 replacements), 13-101 (safety tests), 15-101 (size, weight
17 and load), 15-102 (width), 15-103 (height), 15-104 (name
18 and address on second division vehicles), 15-107 (length of
19 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
20 15-112 (weights), 15-301 (weights), 15-316 (weights),
21 15-318 (weights), and also excepting the following
22 enumerated Sections of the Chicago Municipal Code:
23 Sections 27-245 (following fire apparatus), 27-254
24 (obstruction of traffic), 27-258 (driving vehicle which is
25 in unsafe condition), 27-259 (coasting on downgrade),
26 27-264 (use of horns and signal devices), 27-265
27 (obstruction to driver's view or driver mechanism), 27-267
28 (dimming of headlights), 27-268 (unattended motor
29 vehicle), 27-272 (illegal funeral procession), 27-273
30 (funeral procession on boulevard), 27-275 (driving freight
31 hauling vehicles on boulevard), 27-276 (stopping and
32 standing of buses or taxicabs), 27-277 (cruising of public
33 passenger vehicles), 27-305 (parallel parking), 27-306
34 (diagonal parking), 27-307 (parking not to obstruct
35 traffic), 27-308 (stopping, standing or parking
36 regulated), 27-311 (parking regulations), 27-312 (parking

1 regulations), 27-313 (parking regulations), 27-314
2 (parking regulations), 27-315 (parking regulations),
3 27-316 (parking regulations), 27-317 (parking
4 regulations), 27-318 (parking regulations), 27-319
5 (parking regulations), 27-320 (parking regulations),
6 27-321 (parking regulations), 27-322 (parking
7 regulations), 27-324 (loading and unloading at an angle),
8 27-333 (wheel and axle loads), 27-334 (load restrictions in
9 the downtown district), 27-335 (load restrictions in
10 residential areas), 27-338 (width of vehicles), 27-339
11 (height of vehicles), 27-340 (length of vehicles), 27-352
12 (reflectors on trailers), 27-353 (mufflers), 27-354
13 (display of plates), 27-355 (display of city vehicle tax
14 sticker), 27-357 (identification of vehicles), 27-358
15 (projecting of loads), and also excepting the following
16 enumerated paragraphs of Section 2-201 of the Rules and
17 Regulations of the Illinois State Toll Highway Authority:
18 (l) (driving unsafe vehicle on tollway), (m) (vehicles
19 transporting dangerous cargo not properly indicated), it
20 shall be the duty of the clerk of the court in which such
21 conviction is had within 5 ~~10~~ days thereafter to forward to
22 the Secretary of State a report of the conviction and the
23 court may recommend the suspension of the driver's license
24 or permit of the person so convicted.

25 The reporting requirements of this subsection shall apply
26 to all violations stated in paragraphs (1) and (2) of this
27 subsection when the individual has been adjudicated under the
28 Juvenile Court Act or the Juvenile Court Act of 1987. Such
29 reporting requirements shall also apply to individuals
30 adjudicated under the Juvenile Court Act or the Juvenile Court
31 Act of 1987 who have committed a violation of Section 11-501 of
32 this Code, or similar provision of a local ordinance, or
33 Section 9-3 of the Criminal Code of 1961, as amended, relating
34 to the offense of reckless homicide. The reporting requirements
35 of this subsection shall also apply to a truant minor in need
36 of supervision, an addicted minor, or a delinquent minor and

1 whose driver's license and privilege to drive a motor vehicle
2 has been ordered suspended for such times as determined by the
3 Court, but only until he or she attains 18 years of age. It
4 shall be the duty of the clerk of the court in which
5 adjudication is had within 5 days thereafter to forward to the
6 Secretary of State a report of the adjudication and the court
7 order requiring the Secretary of State to suspend the minor's
8 driver's license and driving privilege for such time as
9 determined by the Court, but only until he or she attains the
10 age of 18 years. All juvenile court dispositions reported to
11 the Secretary of State under this provision shall be processed
12 by the Secretary of State as if the cases had been adjudicated
13 in traffic or criminal court. However, information reported
14 relative to the offense of reckless homicide, or Section 11-501
15 of this Code, or a similar provision of a local ordinance,
16 shall be privileged and available only to the Secretary of
17 State, courts, and police officers.

18 The reporting requirements of this subsection (a)
19 apply to all violations listed in paragraphs (1) and (2) of
20 this subsection (a), excluding parking violations, when
21 the driver holds a CDL, regardless of the type of vehicle
22 in which the violation occurred, or when any driver
23 committed the violation in a commercial motor vehicle as
24 defined in Section 6-500 of this Code.

25 (3) Whenever an order is entered vacating the
26 forfeiture of any bail, security or bond given to secure
27 appearance for any offense under this Code or similar
28 offenses under municipal ordinance, it shall be the duty of
29 the clerk of the court in which such vacation was had or
30 the judge of such court if such court has no clerk, within
31 5 days thereafter to forward to the Secretary of State a
32 report of the vacation.

33 (4) A report of any disposition of court supervision
34 for a violation of Sections 6-303, 11-401, 11-501 or a
35 similar provision of a local ordinance, 11-503 and 11-504
36 shall be forwarded to the Secretary of State. A report of

1 any disposition of court supervision for a violation of an
2 offense defined as a serious traffic violation in this Code
3 or a similar provision of a local ordinance committed by a
4 person under the age of 21 years shall be forwarded to the
5 Secretary of State.

6 (5) Reports of conviction under this Code and
7 sentencing hearings under the Juvenile Court Act of 1987 in
8 an electronic format or a computer processible medium shall
9 be forwarded to the Secretary of State via the Supreme
10 Court in the form and format required by the Illinois
11 Supreme Court and established by a written agreement
12 between the Supreme Court and the Secretary of State. In
13 counties with a population over 300,000, instead of
14 forwarding reports to the Supreme Court, reports of
15 conviction under this Code and sentencing hearings under
16 the Juvenile Court Act of 1987 in an electronic format or a
17 computer processible medium may be forwarded to the
18 Secretary of State by the Circuit Court Clerk in a form and
19 format required by the Secretary of State and established
20 by written agreement between the Circuit Court Clerk and
21 the Secretary of State. Failure to forward the reports of
22 conviction or sentencing hearing under the Juvenile Court
23 Act of 1987 as required by this Section shall be deemed an
24 omission of duty and it shall be the duty of the several
25 State's Attorneys to enforce the requirements of this
26 Section.

27 (b) Whenever a restricted driving permit is forwarded to a
28 court, as a result of confiscation by a police officer pursuant
29 to the authority in Section 6-113(f), it shall be the duty of
30 the clerk, or judge, if the court has no clerk, to forward such
31 restricted driving permit and a facsimile of the officer's
32 citation to the Secretary of State as expeditiously as
33 practicable.

34 (c) For the purposes of this Code, a forfeiture of bail or
35 collateral deposited to secure a defendant's appearance in
36 court when forfeiture has not been vacated, or the failure of a

1 defendant to appear for trial after depositing his driver's
2 license in lieu of other bail, shall be equivalent to a
3 conviction.

4 (d) For the purpose of providing the Secretary of State
5 with records necessary to properly monitor and assess driver
6 performance and assist the courts in the proper disposition of
7 repeat traffic law offenders, the clerk of the court shall
8 forward to the Secretary of State, on a form prescribed by the
9 Secretary, records of a driver's participation in a driver
10 remedial or rehabilitative program which was required, through
11 a court order or court supervision, in relation to the driver's
12 arrest for a violation of Section 11-501 of this Code or a
13 similar provision of a local ordinance. The clerk of the court
14 shall also forward to the Secretary, either on paper or in an
15 electronic format or a computer processible medium as required
16 under paragraph (5) of subsection (a) of this Section, any
17 disposition of court supervision for any traffic violation,
18 excluding those offenses listed in paragraph (2) of subsection
19 (a) of this Section. These reports shall be sent within 5 days
20 after disposition, or, if the driver is referred to a driver
21 remedial or rehabilitative program, within 5 days of the
22 driver's referral to that program. These reports received by
23 the Secretary of State, including those required to be
24 forwarded under paragraph (a)(4), shall be privileged
25 information, available only (i) to the affected driver and (ii)
26 for use by the courts, police officers, prosecuting
27 authorities, and the Secretary of State. In accordance with 49
28 C.F.R. Part 384, all reports of court supervision, except
29 violations related to parking, shall be forwarded to the
30 Secretary of State for all holders of a CDL or any driver who
31 commits an offense while driving a commercial motor vehicle.
32 These reports shall be recorded to the driver's record as a
33 conviction for use in the disqualification of the driver's
34 commercial motor vehicle privileges and shall not be privileged
35 information.

36 (Source: P.A. 94-307, eff. 9-30-05.)

1 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

2 Sec. 6-206. Discretionary authority to suspend or revoke
3 license or permit; Right to a hearing.

4 (a) The Secretary of State is authorized to suspend or
5 revoke the driving privileges of any person without preliminary
6 hearing upon a showing of the person's records or other
7 sufficient evidence that the person:

8 1. Has committed an offense for which mandatory
9 revocation of a driver's license or permit is required upon
10 conviction;

11 2. Has been convicted of not less than 3 offenses
12 against traffic regulations governing the movement of
13 vehicles committed within any 12 month period. No
14 revocation or suspension shall be entered more than 6
15 months after the date of last conviction;

16 3. Has been repeatedly involved as a driver in motor
17 vehicle collisions or has been repeatedly convicted of
18 offenses against laws and ordinances regulating the
19 movement of traffic, to a degree that indicates lack of
20 ability to exercise ordinary and reasonable care in the
21 safe operation of a motor vehicle or disrespect for the
22 traffic laws and the safety of other persons upon the
23 highway;

24 4. Has by the unlawful operation of a motor vehicle
25 caused or contributed to an accident resulting in death or
26 injury requiring immediate professional treatment in a
27 medical facility or doctor's office to any person, except
28 that any suspension or revocation imposed by the Secretary
29 of State under the provisions of this subsection shall
30 start no later than 6 months after being convicted of
31 violating a law or ordinance regulating the movement of
32 traffic, which violation is related to the accident, or
33 shall start not more than one year after the date of the
34 accident, whichever date occurs later;

35 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 judicial
22 driving permit, probationary license to drive, or a
23 restricted driving permit issued under this Code;

24 12. Has submitted to any portion of the application
25 process for another person or has obtained the services of
26 another person to submit to any portion of the application
27 process for the purpose of obtaining a license,
28 identification card, or permit for some other person;

29 13. Has operated a motor vehicle upon a highway of this
30 State when the person's driver's license or permit was
31 invalid under the provisions of Sections 6-107.1 and 6-110;

32 14. Has committed a violation of Section 6-301,
33 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
34 of the Illinois Identification Card Act;

35 15. Has been convicted of violating Section 21-2 of the
36 Criminal Code of 1961 relating to criminal trespass to

1 vehicles in which case, the suspension shall be for one
2 year;

3 16. Has been convicted of violating Section 11-204 of
4 this Code relating to fleeing from a peace officer;

5 17. Has refused to submit to a test, or tests, as
6 required under Section 11-501.1 of this Code and the person
7 has not sought a hearing as provided for in Section
8 11-501.1;

9 18. Has, since issuance of a driver's license or
10 permit, been adjudged to be afflicted with or suffering
11 from any mental disability or disease;

12 19. Has committed a violation of paragraph (a) or (b)
13 of Section 6-101 relating to driving without a driver's
14 license;

15 20. Has been convicted of violating Section 6-104
16 relating to classification of driver's license;

17 21. Has been convicted of violating Section 11-402 of
18 this Code relating to leaving the scene of an accident
19 resulting in damage to a vehicle in excess of \$1,000, in
20 which case the suspension shall be for one year;

21 22. Has used a motor vehicle in violating paragraph
22 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
23 the Criminal Code of 1961 relating to unlawful use of
24 weapons, in which case the suspension shall be for one
25 year;

26 23. Has, as a driver, been convicted of committing a
27 violation of paragraph (a) of Section 11-502 of this Code
28 for a second or subsequent time within one year of a
29 similar violation;

30 24. Has been convicted by a court-martial or punished
31 by non-judicial punishment by military authorities of the
32 United States at a military installation in Illinois of or
33 for a traffic related offense that is the same as or
34 similar to an offense specified under Section 6-205 or
35 6-206 of this Code;

36 25. Has permitted any form of identification to be used

1 by another in the application process in order to obtain or
2 attempt to obtain a license, identification card, or
3 permit;

4 26. Has altered or attempted to alter a license or has
5 possessed an altered license, identification card, or
6 permit;

7 27. Has violated Section 6-16 of the Liquor Control Act
8 of 1934;

9 28. Has been convicted of the illegal possession, while
10 operating or in actual physical control, as a driver, of a
11 motor vehicle, of any controlled substance prohibited
12 under the Illinois Controlled Substances Act, any cannabis
13 prohibited under the Cannabis Control Act, or any
14 methamphetamine prohibited under the Methamphetamine
15 Control and Community Protection Act, in which case the
16 person's driving privileges shall be suspended for one
17 year, and any driver who is convicted of a second or
18 subsequent offense, within 5 years of a previous
19 conviction, for the illegal possession, while operating or
20 in actual physical control, as a driver, of a motor
21 vehicle, of any controlled substance prohibited under the
22 Illinois Controlled Substances Act, any cannabis
23 prohibited under the Cannabis Control Act, or any
24 methamphetamine prohibited under the Methamphetamine
25 Control and Community Protection Act shall be suspended for
26 5 years. Any defendant found guilty of this offense while
27 operating a motor vehicle, shall have an entry made in the
28 court record by the presiding judge that this offense did
29 occur while the defendant was operating a motor vehicle and
30 order the clerk of the court to report the violation to the
31 Secretary of State;

32 29. Has been convicted of the following offenses that
33 were committed while the person was operating or in actual
34 physical control, as a driver, of a motor vehicle: criminal
35 sexual assault, predatory criminal sexual assault of a
36 child, aggravated criminal sexual assault, criminal sexual

1 abuse, aggravated criminal sexual abuse, juvenile pimping,
2 soliciting for a juvenile prostitute and the manufacture,
3 sale or delivery of controlled substances or instruments
4 used for illegal drug use or abuse in which case the
5 driver's driving privileges shall be suspended for one
6 year;

7 30. Has been convicted a second or subsequent time for
8 any combination of the offenses named in paragraph 29 of
9 this subsection, in which case the person's driving
10 privileges shall be suspended for 5 years;

11 31. Has refused to submit to a test as required by
12 Section 11-501.6 or has submitted to a test resulting in an
13 alcohol concentration of 0.08 or more or any amount of a
14 drug, substance, or compound resulting from the unlawful
15 use or consumption of cannabis as listed in the Cannabis
16 Control Act, a controlled substance as listed in the
17 Illinois Controlled Substances Act, or an intoxicating
18 compound as listed in the Use of Intoxicating Compounds
19 Act, in which case the penalty shall be as prescribed in
20 Section 6-208.1;

21 32. Has been convicted of Section 24-1.2 of the
22 Criminal Code of 1961 relating to the aggravated discharge
23 of a firearm if the offender was located in a motor vehicle
24 at the time the firearm was discharged, in which case the
25 suspension shall be for 3 years;

26 33. Has as a driver, who was less than 21 years of age
27 on the date of the offense, been convicted a first time of
28 a violation of paragraph (a) of Section 11-502 of this Code
29 or a similar provision of a local ordinance;

30 34. Has committed a violation of Section 11-1301.5 of
31 this Code;

32 35. Has committed a violation of Section 11-1301.6 of
33 this Code;

34 36. Is under the age of 21 years at the time of arrest
35 and has been convicted of not less than 2 offenses against
36 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or
2 suspension shall be entered more than 6 months after the
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of
5 Section 11-907 of this Code;

6 38. Has been convicted of a violation of Section 6-20
7 of the Liquor Control Act of 1934 or a similar provision of
8 a local ordinance;

9 39. Has committed a second or subsequent violation of
10 Section 11-1201 of this Code;

11 40. Has committed a violation of subsection (a-1) of
12 Section 11-908 of this Code; ~~or~~

13 41. Has committed a second or subsequent violation of
14 Section 11-605.1 of this Code within 2 years of the date of
15 the previous violation, in which case the suspension shall
16 be for 90 days; or

17 42. Has committed a violation of subsection (a-1) of
18 Section 11-1301.3 of this Code.

19 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
20 and 27 of this subsection, license means any driver's license,
21 any traffic ticket issued when the person's driver's license is
22 deposited in lieu of bail, a suspension notice issued by the
23 Secretary of State, a duplicate or corrected driver's license,
24 a probationary driver's license or a temporary driver's
25 license.

26 (b) If any conviction forming the basis of a suspension or
27 revocation authorized under this Section is appealed, the
28 Secretary of State may rescind or withhold the entry of the
29 order of suspension or revocation, as the case may be, provided
30 that a certified copy of a stay order of a court is filed with
31 the Secretary of State. If the conviction is affirmed on
32 appeal, the date of the conviction shall relate back to the
33 time the original judgment of conviction was entered and the 6
34 month limitation prescribed shall not apply.

35 (c) 1. Upon suspending or revoking the driver's license or
36 permit of any person as authorized in this Section, the

1 Secretary of State shall immediately notify the person in
2 writing of the revocation or suspension. The notice to be
3 deposited in the United States mail, postage prepaid, to
4 the last known address of the person.

5 2. If the Secretary of State suspends the driver's
6 license of a person under subsection 2 of paragraph (a) of
7 this Section, a person's privilege to operate a vehicle as
8 an occupation shall not be suspended, provided an affidavit
9 is properly completed, the appropriate fee received, and a
10 permit issued prior to the effective date of the
11 suspension, unless 5 offenses were committed, at least 2 of
12 which occurred while operating a commercial vehicle in
13 connection with the driver's regular occupation. All other
14 driving privileges shall be suspended by the Secretary of
15 State. Any driver prior to operating a vehicle for
16 occupational purposes only must submit the affidavit on
17 forms to be provided by the Secretary of State setting
18 forth the facts of the person's occupation. The affidavit
19 shall also state the number of offenses committed while
20 operating a vehicle in connection with the driver's regular
21 occupation. The affidavit shall be accompanied by the
22 driver's license. Upon receipt of a properly completed
23 affidavit, the Secretary of State shall issue the driver a
24 permit to operate a vehicle in connection with the driver's
25 regular occupation only. Unless the permit is issued by the
26 Secretary of State prior to the date of suspension, the
27 privilege to drive any motor vehicle shall be suspended as
28 set forth in the notice that was mailed under this Section.
29 If an affidavit is received subsequent to the effective
30 date of this suspension, a permit may be issued for the
31 remainder of the suspension period.

32 The provisions of this subparagraph shall not apply to
33 any driver required to possess a CDL for the purpose of
34 operating a commercial motor vehicle.

35 Any person who falsely states any fact in the affidavit
36 required herein shall be guilty of perjury under Section

1 6-302 and upon conviction thereof shall have all driving
2 privileges revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118
4 of this Code, the Secretary of State shall either rescind
5 or continue an order of revocation or shall substitute an
6 order of suspension; or, good cause appearing therefor,
7 rescind, continue, change, or extend the order of
8 suspension. If the Secretary of State does not rescind the
9 order, the Secretary may upon application, to relieve undue
10 hardship, issue a restricted driving permit granting the
11 privilege of driving a motor vehicle between the
12 petitioner's residence and petitioner's place of
13 employment or within the scope of his employment related
14 duties, or to allow transportation for the petitioner, or a
15 household member of the petitioner's family, to receive
16 necessary medical care and if the professional evaluation
17 indicates, provide transportation for alcohol remedial or
18 rehabilitative activity, or for the petitioner to attend
19 classes, as a student, in an accredited educational
20 institution; if the petitioner is able to demonstrate that
21 no alternative means of transportation is reasonably
22 available and the petitioner will not endanger the public
23 safety or welfare.

24 If a person's license or permit has been revoked or
25 suspended due to 2 or more convictions of violating Section
26 11-501 of this Code or a similar provision of a local
27 ordinance or a similar out-of-state offense, arising out of
28 separate occurrences, that person, if issued a restricted
29 driving permit, may not operate a vehicle unless it has
30 been equipped with an ignition interlock device as defined
31 in Section 1-129.1.

32 If a person's license or permit has been revoked or
33 suspended 2 or more times within a 10 year period due to a
34 single conviction of violating Section 11-501 of this Code
35 or a similar provision of a local ordinance or a similar
36 out-of-state offense, and a statutory summary suspension

1 under Section 11-501.1, or 2 or more statutory summary
2 suspensions, or combination of 2 offenses, or of an offense
3 and a statutory summary suspension, arising out of separate
4 occurrences, that person, if issued a restricted driving
5 permit, may not operate a vehicle unless it has been
6 equipped with an ignition interlock device as defined in
7 Section 1-129.1. The person must pay to the Secretary of
8 State DUI Administration Fund an amount not to exceed \$20
9 per month. The Secretary shall establish by rule the amount
10 and the procedures, terms, and conditions relating to these
11 fees. If the restricted driving permit was issued for
12 employment purposes, then this provision does not apply to
13 the operation of an occupational vehicle owned or leased by
14 that person's employer. In each case the Secretary may
15 issue a restricted driving permit for a period deemed
16 appropriate, except that all permits shall expire within
17 one year from the date of issuance. The Secretary may not,
18 however, issue a restricted driving permit to any person
19 whose current revocation is the result of a second or
20 subsequent conviction for a violation of Section 11-501 of
21 this Code or a similar provision of a local ordinance
22 relating to the offense of operating or being in physical
23 control of a motor vehicle while under the influence of
24 alcohol, other drug or drugs, intoxicating compound or
25 compounds, or any similar out-of-state offense, or any
26 combination of those offenses, until the expiration of at
27 least one year from the date of the revocation. A
28 restricted driving permit issued under this Section shall
29 be subject to cancellation, revocation, and suspension by
30 the Secretary of State in like manner and for like cause as
31 a driver's license issued under this Code may be cancelled,
32 revoked, or suspended; except that a conviction upon one or
33 more offenses against laws or ordinances regulating the
34 movement of traffic shall be deemed sufficient cause for
35 the revocation, suspension, or cancellation of a
36 restricted driving permit. The Secretary of State may, as a

1 condition to the issuance of a restricted driving permit,
2 require the applicant to participate in a designated driver
3 remedial or rehabilitative program. The Secretary of State
4 is authorized to cancel a restricted driving permit if the
5 permit holder does not successfully complete the program.

6 (c-5) The Secretary of State may, as a condition of the
7 reissuance of a driver's license or permit to an applicant
8 whose driver's license or permit has been suspended before he
9 or she reached the age of 18 years pursuant to any of the
10 provisions of this Section, require the applicant to
11 participate in a driver remedial education course and be
12 retested under Section 6-109 of this Code.

13 (d) This Section is subject to the provisions of the
14 Drivers License Compact.

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

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

24 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
25 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
26 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

27 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

28 Sec. 6-206.1. Judicial Driving Permit. Declaration of
29 Policy. It is hereby declared a policy of the State of Illinois
30 that the driver who is impaired by alcohol, other drug or
31 drugs, or intoxicating compound or compounds is a threat to the
32 public safety and welfare. Therefore, to provide a deterrent to
33 such practice and to remove problem drivers from the highway, a
34 statutory summary driver's license suspension is appropriate.
35 It is also recognized that driving is a privilege and

1 therefore, that in some cases the granting of limited driving
2 privileges, where consistent with public safety, is warranted
3 during the period of suspension in the form of a judicial
4 driving permit to drive for the purpose of employment,
5 receiving drug treatment or medical care, and educational
6 pursuits, where no alternative means of transportation is
7 available.

8 The following procedures shall apply whenever a first
9 offender is arrested for any offense as defined in Section
10 11-501 or a similar provision of a local ordinance:

11 (a) Subsequent to a notification of a statutory summary
12 suspension of driving privileges as provided in Section
13 11-501.1, the first offender as defined in Section 11-500 may
14 petition the circuit court of venue for a Judicial Driving
15 Permit, hereinafter referred as a JDP, to relieve undue
16 hardship. The court may issue a court order, pursuant to the
17 criteria contained in this Section, directing the Secretary of
18 State to issue such a JDP to the petitioner. A JDP shall not
19 become effective prior to the 31st day of the original
20 statutory summary suspension and shall always be subject to the
21 following criteria:

22 1. If ordered for the purposes of employment, the JDP
23 shall be only for the purpose of providing the petitioner
24 the privilege of driving a motor vehicle between the
25 petitioner's residence and the petitioner's place of
26 employment and return; or within the scope of the
27 petitioner's employment related duties, shall be effective
28 only during and limited to those specific times and routes
29 actually required to commute or perform the petitioner's
30 employment related duties.

31 2. The court, by a court order, may also direct the
32 Secretary of State to issue a JDP to allow transportation
33 for the petitioner, or a household member of the
34 petitioner's family, to receive alcohol, drug, or
35 intoxicating compound treatment or medical care, if the
36 petitioner is able to demonstrate that no alternative means

1 of transportation is reasonably available. Such JDP shall
2 be effective only during the specific times actually
3 required to commute.

4 3. The court, by a court order, may also direct the
5 Secretary of State to issue a JDP to allow transportation
6 by the petitioner for educational purposes upon
7 demonstrating that there are no alternative means of
8 transportation reasonably available to accomplish those
9 educational purposes. Such JDP shall be only for the
10 purpose of providing transportation to and from the
11 petitioner's residence and the petitioner's place of
12 educational activity, and only during the specific times
13 and routes actually required to commute or perform the
14 petitioner's educational requirement.

15 4. The Court shall not issue an order granting a JDP
16 to:

17 (i) Any person unless and until the court, after
18 considering the results of a current professional
19 evaluation of the person's alcohol or other drug use by
20 an agency pursuant to Section 15-10 of the Alcoholism
21 and Other Drug Abuse and Dependency Act and other
22 appropriate investigation of the person, is satisfied
23 that granting the privilege of driving a motor vehicle
24 on the highways will not endanger the public safety or
25 welfare.

26 (ii) Any person who has been convicted of reckless
27 homicide within the previous 5 years.

28 (iii) Any person whose privilege to operate a motor
29 vehicle was invalid at the time of arrest for the
30 current violation of Section 11-501, or a similar
31 provision of a local ordinance, except in cases where
32 the cause for a driver's license suspension has been
33 removed at the time a JDP is effective. In any case,
34 should the Secretary of State enter a suspension or
35 revocation of driving privileges pursuant to the
36 provisions of this Code while the JDP is in effect or

1 pending, the Secretary shall take the prescribed
2 action and provide a notice to the person and the court
3 ordering the issuance of the JDP that all driving
4 privileges, including those provided by the issuance
5 of the JDP, have been withdrawn.

6 (iv) Any person under the age of 18 years.

7 (v) Any person for the operation of a commercial
8 motor vehicle if the person's ~~CDL~~ driving privileges
9 have been suspended under any provision of this Code in
10 accordance with 49 C.F.R. Part 384.

11 (b) Prior to ordering the issuance of a JDP the Court
12 should consider at least, but not be limited to, the following
13 issues:

14 1. Whether the person is employed and no other means of
15 commuting to the place of employment is available or that
16 the person must drive as a condition of employment. The
17 employer shall certify the hours of employment and the need
18 and parameters necessary for driving as a condition to
19 employment.

20 2. Whether the person must drive to secure alcohol or
21 other medical treatment for himself or a family member.

22 3. Whether the person must drive for educational
23 purposes. The educational institution shall certify the
24 person's enrollment in and academic schedule at the
25 institution.

26 4. Whether the person has been repeatedly convicted of
27 traffic violations or involved in motor vehicle accidents
28 to a degree which indicates disrespect for public safety.

29 5. Whether the person has been convicted of a traffic
30 violation in connection with a traffic accident resulting
31 in the death of any person within the last 5 years.

32 6. Whether the person is likely to obey the limited
33 provisions of the JDP.

34 7. Whether the person has any additional traffic
35 violations pending in any court.

36 For purposes of this Section, programs conducting

1 professional evaluations of a person's alcohol, other drug, or
2 intoxicating compound use must report, to the court of venue,
3 using a form prescribed by the Secretary of State. A copy of
4 such evaluations shall be sent to the Secretary of State by the
5 court. However, the evaluation information shall be privileged
6 and only available to courts and to the Secretary of State, but
7 shall not be admissible in the subsequent trial on the
8 underlying charge.

9 (c) The scope of any court order issued for a JDP under
10 this Section shall be limited to the operation of a motor
11 vehicle as provided for in subsection (a) of this Section and
12 shall specify the petitioner's residence, place of employment
13 or location of educational institution, and the scope of job
14 related duties, if relevant. The JDP shall also specify days of
15 the week and specific hours of the day when the petitioner is
16 able to exercise the limited privilege of operating a motor
17 vehicle.

18 (c-1) If the petitioner is issued a citation for a
19 violation of Section 6-303 during the period of a statutory
20 summary suspension entered under Section 11-501.1 of this Code,
21 or if the petitioner is charged with a violation of Section
22 11-501 or a similar provision of a local ordinance or a similar
23 out of state offense which occurs after the current violation
24 of Section 11-501 or a similar provision of a local ordinance,
25 the court may not grant the petitioner a JDP unless the
26 petitioner is acquitted or the citation or complaint is
27 otherwise dismissed.

28 If the petitioner is issued a citation for a violation of
29 Section 6-303 or a violation of Section 11-501 or a similar
30 provision of a local ordinance or a similar out of state
31 offense during the term of the JDP, the officer issuing the
32 citation, or the law enforcement agency employing that officer,
33 shall confiscate the JDP and immediately send the JDP and
34 notice of the citation to the court that ordered the issuance
35 of the JDP. Within 10 days of receipt, the issuing court, upon
36 notice to the petitioner, shall conduct a hearing to consider

1 cancellation of the JDP. If the court enters an order of
2 cancellation, the court shall forward the order to the
3 Secretary of State, and the Secretary shall cancel the JDP and
4 notify the petitioner of the cancellation. If, however, the
5 petitioner is convicted of the offense before the JDP has been
6 cancelled, the court of venue shall send notice of conviction
7 to the court that ordered issuance of the JDP. The court
8 receiving the notice shall immediately enter an order of
9 cancellation and forward the order to the Secretary of State.
10 The Secretary shall cancel the JDP and notify the petitioner of
11 the cancellation.

12 If the petitioner is issued a citation for any other
13 traffic related offense during the term of the JDP, the officer
14 issuing the citation, or the law enforcement agency employing
15 that officer, shall send notice of the citation to the court
16 that ordered issuance of the JDP. Upon receipt and notice to
17 the petitioner and an opportunity for a hearing, the court
18 shall determine whether the violation constitutes grounds for
19 cancellation of the JDP. If the court enters an order of
20 cancellation, the court shall forward the order to the
21 Secretary of State, and the Secretary shall cancel the JDP and
22 shall notify the petitioner of the cancellation.

23 (d) The Secretary of State shall, upon receiving a court
24 order from the court of venue, issue a JDP to a successful
25 Petitioner under this Section. Such court order form shall also
26 contain a notification, which shall be sent to the Secretary of
27 State, providing the name, driver's license number and legal
28 address of the successful petitioner, and the full and detailed
29 description of the limitations of the JDP. This information
30 shall be available only to the courts, police officers, and the
31 Secretary of State, except during the actual period the JDP is
32 valid, during which time it shall be a public record. The
33 Secretary of State shall design and furnish to the courts an
34 official court order form to be used by the courts when
35 directing the Secretary of State to issue a JDP.

36 Any submitted court order that contains insufficient data

1 or fails to comply with this Code shall not be utilized for JDP
2 issuance or entered to the driver record but shall be returned
3 to the issuing court indicating why the JDP cannot be so
4 entered. A notice of this action shall also be sent to the JDP
5 petitioner by the Secretary of State.

6 (e) The circuit court of venue may conduct the judicial
7 hearing, as provided in Section 2-118.1, and the JDP hearing
8 provided in this Section, concurrently. Such concurrent
9 hearing shall proceed in the court in the same manner as in
10 other civil proceedings.

11 (f) The circuit court of venue may, as a condition of the
12 issuance of a JDP, prohibit the person from operating a motor
13 vehicle not equipped with an ignition interlock device.

14 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
15 revised 8-19-05.)

16 (625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)
17 Sec. 6-301.2. Fraudulent driver's license or permit.

18 (a) (Blank).

19 (b) It is a violation of this Section for any person:

20 1. To knowingly possess any fraudulent driver's
21 license or permit;

22 2. To knowingly possess, display or cause to be
23 displayed any fraudulent driver's license or permit for the
24 purpose of obtaining any account, credit, credit card or
25 debit card from a bank, financial institution or retail
26 mercantile establishment;

27 3. To knowingly possess any fraudulent driver's
28 license or permit with the intent to commit a theft,
29 deception or credit or debit card fraud in violation of any
30 law of this State or any law of any other jurisdiction;

31 4. To knowingly possess any fraudulent driver's
32 license or permit with the intent to commit any other
33 violation of any laws of this State or any law of any other
34 jurisdiction for which a sentence to a term of imprisonment
35 in a penitentiary for one year or more is provided;

1 5. To knowingly possess any fraudulent driver's
2 license or permit while in unauthorized possession of any
3 document, instrument or device capable of defrauding
4 another;

5 6. To knowingly possess any fraudulent driver's
6 license or permit with the intent to use the license or
7 permit to acquire any other identification document;

8 7. To knowingly possess without authority any driver's
9 license-making or permit-making implement;

10 8. To knowingly possess any stolen driver's
11 license-making or permit-making implement or to possess,
12 use, or allow to be used any materials, hardware, or
13 software specifically designed for or primarily used in the
14 manufacture, assembly, issuance, or authentication of an
15 official driver's license or permit issued by the Secretary
16 of State;

17 9. To knowingly duplicate, manufacture, sell or
18 transfer any fraudulent driver's license or permit;

19 10. To advertise or distribute any information or
20 materials that promote the selling, giving, or furnishing
21 of a fraudulent driver's license or permit;

22 11. To knowingly use any fraudulent driver's license or
23 permit to purchase or attempt to purchase any ticket for a
24 common carrier or to board or attempt to board any common
25 carrier. As used in this Section, "common carrier" means
26 any public or private provider of transportation, whether
27 by land, air, or water;

28 12. To knowingly possess any fraudulent driver's
29 license or permit if the person has at the time a different
30 driver's license issued by the Secretary of State or
31 another official driver's license agency in another
32 jurisdiction that is suspended or revoked.

33 (b-1) It is a violation of this Section for any person to
34 possess, use, or allow to be used any materials, hardware, or
35 software specifically designed for or primarily used in the
36 reading of encrypted language from the bar code or magnetic

1 strip of an official Illinois driver's license ~~Identification~~
2 ~~Card or Illinois Disabled Person Identification Card~~ issued by
3 the Secretary of State. This subsection (b-1) does not apply if
4 a federal or State law, rule, or regulation requires that the
5 card holder's address be recorded in specified transactions or
6 if the encrypted information is obtained for the detection or
7 possible prosecution of criminal offenses or fraud. If the
8 address information is obtained under this subsection (b-1), it
9 may be used only for the purposes authorized by this subsection
10 (b-1).

11 (c) Sentence.

12 1. Any person convicted of a violation of paragraph 1
13 of subsection (b) of this Section shall be guilty of a
14 Class 4 felony and shall be sentenced to a minimum fine of
15 \$500 or 50 hours of community service, preferably at an
16 alcohol abuse prevention program, if available.

17 2. Any person convicted of a violation of any of
18 paragraphs 2 through 9 or paragraph 11 or 12 of subsection
19 (b) of this Section or a violation of subsection (b-1) of
20 this Section shall be guilty of a Class 4 felony. A person
21 convicted of a second or subsequent violation shall be
22 guilty of a Class 3 felony.

23 3. Any person convicted of a violation of paragraph 10
24 of subsection (b) of this Section shall be guilty of a
25 Class B misdemeanor.

26 (d) This Section does not prohibit any lawfully authorized
27 investigative, protective, law enforcement or other activity
28 of any agency of the United States, State of Illinois or any
29 other state or political subdivision thereof.

30 (e) The Secretary may request the Attorney General to seek
31 a restraining order in the circuit court against any person who
32 violates this Section by advertising fraudulent driver's
33 licenses or permits.

34 (Source: P.A. 93-667, eff. 3-19-04; 93-895, eff. 1-1-05;
35 94-239, eff. 1-1-06.)

1 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

2 Sec. 6-507. Commercial Driver's License (CDL) Required.

3 (a) Except as expressly permitted by this UCCLA, or when
4 driving pursuant to the issuance of a commercial driver
5 instruction permit and accompanied by the holder of a CDL valid
6 for the vehicle being driven; no person shall drive a
7 commercial motor vehicle on the highways without:

8 (1) a CDL in the driver's possession;

9 (2) having obtained a CDL; or

10 (3) the proper class of CDL or endorsements or both for
11 the specific vehicle group being operated or for the
12 passengers or type of cargo being transported.

13 (b) Except as otherwise provided by this Code, no person
14 may drive a commercial motor vehicle on the highways while such
15 person's driving privilege, license or permit is:

16 (1) Suspended, revoked, cancelled, or subject to
17 disqualification. Any person convicted of violating this
18 provision or a similar provision of this or any other state
19 shall have their driving privileges revoked under
20 paragraph 12 of subsection (a) of Section 6-205 of this
21 Code.

22 (2) Subject to or in violation of an "out-of-service"
23 order. Any person who has been issued a CDL and is
24 convicted of violating this provision or a similar
25 provision of any other state shall be disqualified from
26 operating a commercial motor vehicle under subsection (i)
27 of Section 6-514 of this Code.

28 (3) Subject to or in violation of an "out of service"
29 order and while transporting passengers or hazardous
30 materials. Any person who has been issued a CDL and is
31 convicted of violating this provision or a similar
32 provision of this or any other state shall be disqualified
33 from operating a commercial motor vehicle under subsection
34 (i) of Section 6-514 of this Code.

35 (c) Pursuant to the options provided to the States by FHWA
36 Docket No. MC-88-8, the driver of any motor vehicle controlled

1 or operated by or for a farmer is waived from the requirements
2 of this Section, when such motor vehicle is being used to
3 transport: agricultural products; implements of husbandry; or
4 farm supplies; as long as such movement is not over 150 air
5 miles from the originating farm. This waiver does not apply to
6 the driver of any motor vehicle being used in a common or
7 contract carrier type operation. However, for those drivers of
8 any truck-tractor semitrailer combination or combinations
9 registered under subsection (c) of Section 3-815 of this Code,
10 this waiver shall apply only when the driver is a farmer or a
11 member of the farmer's family and the driver is 21 years of age
12 or more and has successfully completed any tests the Secretary
13 of State deems necessary.

14 In addition, the farmer or a member of the farmer's family
15 who operates a truck-tractor semitrailer combination or
16 combinations pursuant to this waiver shall be granted all of
17 the rights and shall be subject to all of the duties and
18 restrictions with respect to Sections 6-514 and 6-515 of this
19 Code applicable to the driver who possesses a commercial
20 driver's license issued under this Code, except that the driver
21 shall not be subject to any additional duties or restrictions
22 contained in Part 382 of the Federal Motor Carrier Safety
23 Regulations that are not otherwise imposed under Section 6-514
24 or 6-515 of this Code.

25 For purposes of this subsection (c), a member of the
26 farmer's family is a natural or in-law spouse, child, parent,
27 or sibling.

28 (c-5) An employee of a township or road district with a
29 population of less than 3,000 operating a vehicle within the
30 boundaries of the township or road district for the purpose of
31 removing snow or ice from a roadway by plowing, sanding, or
32 salting is waived from the requirements of this Section when
33 the employee is needed to operate the vehicle because the
34 employee of the township or road district who ordinarily
35 operates the vehicle and who has a commercial driver's license
36 is unable to operate the vehicle or is in need of additional

1 assistance due to a snow emergency.

2 (d) Any person convicted of violating this Section, shall
3 be guilty of a Class A misdemeanor.

4 (e) Any person convicted of violating paragraph (b) of this
5 Section, shall have all driving privileges revoked by the
6 Secretary of State.

7 (f) This Section shall not apply to:

8 (1) A person who currently holds a valid Illinois
9 driver's license, for the type of vehicle being operated,
10 until the expiration of such license or April 1, 1992,
11 whichever is earlier; or

12 (2) A non-Illinois domiciliary who is properly
13 licensed in another State, until April 1, 1992. A
14 non-Illinois domiciliary, if such domiciliary is properly
15 licensed in another State or foreign jurisdiction, until
16 April 1, 1992.

17 (Source: P.A. 94-307, eff. 9-30-05.)

18 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

19 Sec. 6-514. Commercial Driver's License (CDL) -
20 Disqualifications.

21 (a) A person shall be disqualified from driving a
22 commercial motor vehicle for a period of not less than 12
23 months for the first violation of:

24 (1) Refusing to submit to or failure to complete a test
25 or tests to determine the driver's blood concentration of
26 alcohol, other drug, or both, while driving a commercial
27 motor vehicle or, if the driver is a CDL holder, while
28 driving a non-CMV; or

29 (2) Operating a commercial motor vehicle while the
30 alcohol concentration of the person's blood, breath or
31 urine is at least 0.04, or any amount of a drug, substance,
32 or compound in the person's blood or urine resulting from
33 the unlawful use or consumption of cannabis listed in the
34 Cannabis Control Act or a controlled substance listed in
35 the Illinois Controlled Substances Act as indicated by a

1 police officer's sworn report or other verified evidence;
2 or operating a non-commercial motor vehicle while the
3 alcohol concentration of the person's blood, breath, or
4 urine was above the legal limit defined in Section 11-501.1
5 or 11-501.8 or any amount of a drug, substance, or compound
6 in the person's blood or urine resulting from the unlawful
7 use or consumption of cannabis listed in the Cannabis
8 Control Act or a controlled substance listed in the
9 Illinois Controlled Substances Act as indicated by a police
10 officer's sworn report or other verified evidence while
11 holding a commercial driver's license; or

12 (3) Conviction for a first violation of:

13 (i) Driving a commercial motor vehicle or, if the
14 driver is a CDL holder, driving a non-CMV while under
15 the influence of alcohol, or any other drug, or
16 combination of drugs to a degree which renders such
17 person incapable of safely driving; or

18 (ii) Knowingly and wilfully leaving the scene of an
19 accident while operating a commercial motor vehicle
20 or, if the driver is a CDL holder, while driving a
21 non-CMV; or

22 (iii) Driving a commercial motor vehicle or, if the
23 driver is a CDL holder, driving a non-CMV while
24 committing any felony; or

25 (iv) Driving a commercial motor vehicle while the
26 person's driving privileges or driver's license or
27 permit if, as a result of prior violations committed
28 while operating a commercial motor vehicle, the
29 driver's CDL is revoked, suspended, or cancelled or the
30 driver is disqualified from operating a commercial
31 motor vehicle; or

32 (v) Causing a fatality through the negligent
33 operation of a commercial motor vehicle, including but
34 not limited to the crimes of motor vehicle
35 manslaughter, homicide by a motor vehicle, and
36 negligent homicide.

1 As used in this subdivision (a)(3)(v), "motor
2 vehicle manslaughter" means the offense of involuntary
3 manslaughter if committed by means of a vehicle;
4 "homicide by a motor vehicle" means the offense of
5 first degree murder or second degree murder, if either
6 offense is committed by means of a vehicle; and
7 "negligent homicide" means reckless homicide ~~reckless~~
8 ~~driving~~ under Section 9-3 of the Criminal Code of 1961
9 and aggravated driving under the influence of alcohol,
10 other drug or drugs, intoxicating compound or
11 compounds, or any combination thereof under
12 subdivision (d)(1)(F) of Section 11-501 of this Code.

13 If any of the above violations or refusals occurred
14 while transporting hazardous material(s) required to be
15 placarded, the person shall be disqualified for a period of
16 not less than 3 years.

17 (b) A person is disqualified for life for a second
18 conviction of any of the offenses specified in paragraph (a),
19 or any combination of those offenses, arising from 2 or more
20 separate incidents.

21 (c) A person is disqualified from driving a commercial
22 motor vehicle for life if the person either (i) uses a
23 commercial motor vehicle in the commission of any felony
24 involving the manufacture, distribution, or dispensing of a
25 controlled substance, or possession with intent to
26 manufacture, distribute or dispense a controlled substance or
27 (ii) if the person is a CDL holder, uses a non-CMV in the
28 commission of a felony involving any of those activities.

29 (d) The Secretary of State may, when the United States
30 Secretary of Transportation so authorizes, issue regulations
31 in which a disqualification for life under paragraph (b) may be
32 reduced to a period of not less than 10 years. If a reinstated
33 driver is subsequently convicted of another disqualifying
34 offense, as specified in subsection (a) of this Section, he or
35 she shall be permanently disqualified for life and shall be
36 ineligible to again apply for a reduction of the lifetime

1 disqualification.

2 (e) A person is disqualified from driving a commercial
3 motor vehicle for a period of not less than 2 months if
4 convicted of 2 serious traffic violations, committed in a
5 commercial motor vehicle, arising from separate incidents,
6 occurring within a 3 year period. However, a person will be
7 disqualified from driving a commercial motor vehicle for a
8 period of not less than 4 months if convicted of 3 serious
9 traffic violations, committed in a commercial motor vehicle,
10 arising from separate incidents, occurring within a 3 year
11 period.

12 (e-1) A person is disqualified from driving a commercial
13 motor vehicle for a period of not less than 2 months if
14 convicted of 2 serious traffic violations committed in a
15 non-CMV while holding a CDL, arising from separate incidents,
16 occurring within a 3 year period, if the convictions would
17 result in the suspension or revocation of the CDL holder's
18 non-CMV privileges. A person shall be disqualified from driving
19 a commercial motor vehicle for a period of not less than 4
20 months, however, if he or she is convicted of 3 or more serious
21 traffic violations committed in a non-CMV while holding a CDL,
22 arising from separate incidents, occurring within a 3 year
23 period, if the convictions would result in the suspension or
24 revocation of the CDL holder's non-CMV privileges.

25 (f) Notwithstanding any other provision of this Code, any
26 driver disqualified from operating a commercial motor vehicle,
27 pursuant to this UCDLA, shall not be eligible for restoration
28 of commercial driving privileges during any such period of
29 disqualification.

30 (g) After suspending, revoking, or cancelling a commercial
31 driver's license, the Secretary of State must update the
32 driver's records to reflect such action within 10 days. After
33 suspending or revoking the driving privilege of any person who
34 has been issued a CDL or commercial driver instruction permit
35 from another jurisdiction, the Secretary shall originate
36 notification to such issuing jurisdiction within 10 days.

1 (h) The "disqualifications" referred to in this Section
2 shall not be imposed upon any commercial motor vehicle driver,
3 by the Secretary of State, unless the prohibited action(s)
4 occurred after March 31, 1992.

5 (i) A person is disqualified from driving a commercial
6 motor vehicle in accordance with the following:

7 (1) For 6 months upon a first conviction of paragraph
8 (2) of subsection (b) of Section 6-507 of this Code.

9 (2) For one year upon a second conviction of paragraph
10 (2) of subsection (b) of Section 6-507 of this Code within
11 a 10-year period.

12 (3) For 3 years upon a third or subsequent conviction
13 of paragraph (2) of subsection (b) of Section 6-507 of this
14 Code within a 10-year period.

15 (4) For one year upon a first conviction of paragraph
16 (3) of subsection (b) of Section 6-507 of this Code.

17 (5) For 3 years upon a second conviction of paragraph
18 (3) of subsection (b) of Section 6-507 of this Code within
19 a 10-year period.

20 (6) For 5 years upon a third or subsequent conviction
21 of paragraph (3) of subsection (b) of Section 6-507 of this
22 Code within a 10-year period.

23 (j) Disqualification for railroad-highway grade crossing
24 violation.

25 (1) General rule. A driver who is convicted of a
26 violation of a federal, State, or local law or regulation
27 pertaining to one of the following 6 offenses at a
28 railroad-highway grade crossing must be disqualified from
29 operating a commercial motor vehicle for the period of time
30 specified in paragraph (2) of this subsection (j) if the
31 offense was committed while operating a commercial motor
32 vehicle:

33 (i) For drivers who are not required to always
34 stop, failing to slow down and check that the tracks
35 are clear of an approaching train, as described in
36 subsection (a-5) of Section 11-1201 of this Code;

1 (ii) For drivers who are not required to always
2 stop, failing to stop before reaching the crossing, if
3 the tracks are not clear, as described in subsection
4 (a) of Section 11-1201 of this Code;

5 (iii) For drivers who are always required to stop,
6 failing to stop before driving onto the crossing, as
7 described in Section 11-1202 of this Code;

8 (iv) For all drivers, failing to have sufficient
9 space to drive completely through the crossing without
10 stopping, as described in subsection (b) of Section
11 11-1425 of this Code;

12 (v) For all drivers, failing to obey a traffic
13 control device or the directions of an enforcement
14 official at the crossing, as described in subdivision
15 (a)2 of Section 11-1201 of this Code;

16 (vi) For all drivers, failing to negotiate a
17 crossing because of insufficient undercarriage
18 clearance, as described in subsection (d-1) of Section
19 11-1201 of this Code.

20 (2) Duration of disqualification for railroad-highway
21 grade crossing violation.

22 (i) First violation. A driver must be disqualified
23 from operating a commercial motor vehicle for not less
24 than 60 days if the driver is convicted of a violation
25 described in paragraph (1) of this subsection (j) and,
26 in the three-year period preceding the conviction, the
27 driver had no convictions for a violation described in
28 paragraph (1) of this subsection (j).

29 (ii) Second violation. A driver must be
30 disqualified from operating a commercial motor vehicle
31 for not less than 120 days if the driver is convicted
32 of a violation described in paragraph (1) of this
33 subsection (j) and, in the three-year period preceding
34 the conviction, the driver had one other conviction for
35 a violation described in paragraph (1) of this
36 subsection (j) that was committed in a separate

1 incident.

2 (iii) Third or subsequent violation. A driver must
3 be disqualified from operating a commercial motor
4 vehicle for not less than one year if the driver is
5 convicted of a violation described in paragraph (1) of
6 this subsection (j) and, in the three-year period
7 preceding the conviction, the driver had 2 or more
8 other convictions for violations described in
9 paragraph (1) of this subsection (j) that were
10 committed in separate incidents.

11 (k) Upon notification of a disqualification of a driver's
12 commercial motor vehicle privileges imposed by the U.S.
13 Department of Transportation, Federal Motor Carrier Safety
14 Administration, in accordance with 49 C.F.R. 383.52, the
15 Secretary of State shall immediately record to the driving
16 record the notice of disqualification and confirm to the driver
17 the action that has been taken.

18 (Source: P.A. 94-307, eff. 9-30-05.)

19 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

20 Sec. 11-208.3. Administrative adjudication of violations
21 of traffic regulations concerning the standing, parking, or
22 condition of vehicles.

23 (a) Any municipality may provide by ordinance for a system
24 of administrative adjudication of vehicular standing and
25 parking violations and vehicle compliance violations as
26 defined in this subsection. The administrative system shall
27 have as its purpose the fair and efficient enforcement of
28 municipal regulations through the administrative adjudication
29 of violations of municipal ordinances regulating the standing
30 and parking of vehicles, the condition and use of vehicle
31 equipment, and the display of municipal wheel tax licenses
32 within the municipality's borders. The administrative system
33 shall only have authority to adjudicate civil offenses carrying
34 fines not in excess of \$250 that occur after the effective date
35 of the ordinance adopting such a system under this Section. For

1 purposes of this Section, "compliance violation" means a
2 violation of a municipal regulation governing the condition or
3 use of equipment on a vehicle or governing the display of a
4 municipal wheel tax license.

5 (b) Any ordinance establishing a system of administrative
6 adjudication under this Section shall provide for:

7 (1) A traffic compliance administrator authorized to
8 adopt, distribute and process parking and compliance
9 violation notices and other notices required by this
10 Section, collect money paid as fines and penalties for
11 violation of parking and compliance ordinances, and
12 operate an administrative adjudication system. The traffic
13 compliance administrator also may make a certified report
14 to the Secretary of State under Section 6-306.5.

15 (2) A parking, standing, or compliance violation
16 notice that shall specify the date, time, and place of
17 violation of a parking, standing, or compliance
18 regulation; the particular regulation violated; the fine
19 and any penalty that may be assessed for late payment, when
20 so provided by ordinance; the vehicle make and state
21 registration number; and the identification number of the
22 person issuing the notice. With regard to municipalities
23 with a population of 1 million or more, it shall be grounds
24 for dismissal of a parking violation if the State
25 registration number or vehicle make specified is
26 incorrect. The violation notice shall state that the
27 payment of the indicated fine, and of any applicable
28 penalty for late payment, shall operate as a final
29 disposition of the violation. The notice also shall contain
30 information as to the availability of a hearing in which
31 the violation may be contested on its merits. The violation
32 notice shall specify the time and manner in which a hearing
33 may be had.

34 (3) Service of the parking, standing, or compliance
35 violation notice by affixing the original or a facsimile of
36 the notice to an unlawfully parked vehicle or by handing

1 the notice to the operator of a vehicle if he or she is
2 present. A person authorized by ordinance to issue and
3 serve parking, standing, and compliance violation notices
4 shall certify as to the correctness of the facts entered on
5 the violation notice by signing his or her name to the
6 notice at the time of service or in the case of a notice
7 produced by a computerized device, by signing a single
8 certificate to be kept by the traffic compliance
9 administrator attesting to the correctness of all notices
10 produced by the device while it was under his or her
11 control. The original or a facsimile of the violation
12 notice or, in the case of a notice produced by a
13 computerized device, a printed record generated by the
14 device showing the facts entered on the notice, shall be
15 retained by the traffic compliance administrator, and
16 shall be a record kept in the ordinary course of business.
17 A parking, standing, or compliance violation notice
18 issued, signed and served in accordance with this Section,
19 a copy of the notice, or the computer generated record
20 shall be prima facie correct and shall be prima facie
21 evidence of the correctness of the facts shown on the
22 notice. The notice, copy, or computer generated record
23 shall be admissible in any subsequent administrative or
24 legal proceedings.

25 (4) An opportunity for a hearing for the registered
26 owner of the vehicle cited in the parking, standing, or
27 compliance violation notice in which the owner may contest
28 the merits of the alleged violation, and during which
29 formal or technical rules of evidence shall not apply;
30 provided, however, that under Section 11-1306 of this Code
31 the lessee of a vehicle cited in the violation notice
32 likewise shall be provided an opportunity for a hearing of
33 the same kind afforded the registered owner. The hearings
34 shall be recorded, and the person conducting the hearing on
35 behalf of the traffic compliance administrator shall be
36 empowered to administer oaths and to secure by subpoena

1 both the attendance and testimony of witnesses and the
2 production of relevant books and papers. Persons appearing
3 at a hearing under this Section may be represented by
4 counsel at their expense. The ordinance may also provide
5 for internal administrative review following the decision
6 of the hearing officer.

7 (5) Service of additional notices, sent by first class
8 United States mail, postage prepaid, to the address of the
9 registered owner of the cited vehicle as recorded with the
10 Secretary of State or, if any notice to that address is
11 returned as undeliverable, to the last known address
12 recorded in a United States Post Office approved database,
13 or, under Section 11-1306 of this Code, to the lessee of
14 the cited vehicle at the last address known to the lessor
15 of the cited vehicle at the time of lease or, if any notice
16 to that address is returned as undeliverable, to the last
17 known address recorded in a United States Post Office
18 approved database. The service shall be deemed complete as
19 of the date of deposit in the United States mail. The
20 notices shall be in the following sequence and shall
21 include but not be limited to the information specified
22 herein:

23 (i) A second notice of violation. This notice shall
24 specify the date and location of the violation cited in
25 the parking, standing, or compliance violation notice,
26 the particular regulation violated, the vehicle make
27 and state registration number, the fine and any penalty
28 that may be assessed for late payment when so provided
29 by ordinance, the availability of a hearing in which
30 the violation may be contested on its merits, and the
31 time and manner in which the hearing may be had. The
32 notice of violation shall also state that failure
33 either to pay the indicated fine and any applicable
34 penalty, or to appear at a hearing on the merits in the
35 time and manner specified, will result in a final
36 determination of violation liability for the cited

1 violation in the amount of the fine or penalty
2 indicated, and that, upon the occurrence of a final
3 determination of violation liability for the failure,
4 and the exhaustion of, or failure to exhaust, available
5 administrative or judicial procedures for review, any
6 unpaid fine or penalty will constitute a debt due and
7 owing the municipality.

8 (ii) A notice of final determination of parking,
9 standing, or compliance violation liability. This
10 notice shall be sent following a final determination of
11 parking, standing, or compliance violation liability
12 and the conclusion of judicial review procedures taken
13 under this Section. The notice shall state that the
14 unpaid fine or penalty is a debt due and owing the
15 municipality. The notice shall contain warnings that
16 failure to pay any fine or penalty due and owing the
17 municipality within the time specified may result in
18 the municipality's filing of a petition in the Circuit
19 Court to have the unpaid fine or penalty rendered a
20 judgment as provided by this Section, or may result in
21 suspension of the person's drivers license for failure
22 to pay fines or penalties for 10 or more parking
23 violations under Section 6-306.5.

24 (6) A Notice of impending drivers license suspension.
25 This notice shall be sent to the person liable for any fine
26 or penalty that remains due and owing on 10 or more parking
27 violations. The notice shall state that failure to pay the
28 fine or penalty owing within 45 days of the notice's date
29 will result in the municipality notifying the Secretary of
30 State that the person is eligible for initiation of
31 suspension proceedings under Section 6-306.5 of this Code.
32 The notice shall also state that the person may obtain a
33 photostatic copy of an original ticket imposing a fine or
34 penalty by sending a self addressed, stamped envelope to
35 the municipality along with a request for the photostatic
36 copy. The notice of impending drivers license suspension

1 shall be sent by first class United States mail, postage
2 prepaid, to the address recorded with the Secretary of
3 State or, if any notice to that address is returned as
4 undeliverable, to the last known address recorded in a
5 United States Post Office approved database.

6 (7) Final determinations of violation liability. A
7 final determination of violation liability shall occur
8 following failure to pay the fine or penalty after a
9 hearing officer's determination of violation liability and
10 the exhaustion of or failure to exhaust any administrative
11 review procedures provided by ordinance. Where a person
12 fails to appear at a hearing to contest the alleged
13 violation in the time and manner specified in a prior
14 mailed notice, the hearing officer's determination of
15 violation liability shall become final: (A) upon denial of
16 a timely petition to set aside that determination, or (B)
17 upon expiration of the period for filing the petition
18 without a filing having been made.

19 (8) A petition to set aside a determination of parking,
20 standing, or compliance violation liability that may be
21 filed by a person owing an unpaid fine or penalty. The
22 petition shall be filed with and ruled upon by the traffic
23 compliance administrator in the manner and within the time
24 specified by ordinance. The grounds for the petition may be
25 limited to: (A) the person not having been the owner or
26 lessee of the cited vehicle on the date the violation
27 notice was issued, (B) the person having already paid the
28 fine or penalty for the violation in question, and (C)
29 excusable failure to appear at or request a new date for a
30 hearing. With regard to municipalities with a population of
31 1 million or more, it shall be grounds for dismissal of a
32 parking violation if the State registration number or
33 vehicle make specified is incorrect. After the
34 determination of parking, standing, or compliance
35 violation liability has been set aside upon a showing of
36 just cause, the registered owner shall be provided with a

1 hearing on the merits for that violation.

2 (9) Procedures for non-residents. Procedures by which
3 persons who are not residents of the municipality may
4 contest the merits of the alleged violation without
5 attending a hearing.

6 (10) A schedule of civil fines for violations of
7 vehicular standing, parking, and compliance regulations
8 enacted by ordinance pursuant to this Section, and a
9 schedule of penalties for late payment of the fines,
10 provided, however, that the total amount of the fine and
11 penalty for any one violation shall not exceed \$350 ~~\$250~~.

12 (11) Other provisions as are necessary and proper to
13 carry into effect the powers granted and purposes stated in
14 this Section.

15 (c) Any municipality establishing vehicular standing,
16 parking, and compliance regulations under this Section may also
17 provide by ordinance for a program of vehicle immobilization
18 for the purpose of facilitating enforcement of those
19 regulations. The program of vehicle immobilization shall
20 provide for immobilizing any eligible vehicle upon the public
21 way by presence of a restraint in a manner to prevent operation
22 of the vehicle. Any ordinance establishing a program of vehicle
23 immobilization under this Section shall provide:

24 (1) Criteria for the designation of vehicles eligible
25 for immobilization. A vehicle shall be eligible for
26 immobilization when the registered owner of the vehicle has
27 accumulated the number of unpaid final determinations of
28 parking, standing, or compliance violation liability as
29 determined by ordinance.

30 (2) A notice of impending vehicle immobilization and a
31 right to a hearing to challenge the validity of the notice
32 by disproving liability for the unpaid final
33 determinations of parking, standing, or compliance
34 violation liability listed on the notice.

35 (3) The right to a prompt hearing after a vehicle has
36 been immobilized or subsequently towed without payment of

1 the outstanding fines and penalties on parking, standing,
2 or compliance violations for which final determinations
3 have been issued. An order issued after the hearing is a
4 final administrative decision within the meaning of
5 Section 3-101 of the Code of Civil Procedure.

6 (4) A post immobilization and post-towing notice
7 advising the registered owner of the vehicle of the right
8 to a hearing to challenge the validity of the impoundment.

9 (d) Judicial review of final determinations of parking,
10 standing, and compliance violations and final administrative
11 decisions issued after hearings regarding vehicle
12 immobilization and impoundment made under this Section shall be
13 subject to the provisions of the Administrative Review Law.

14 (e) Any fine, penalty, or part of any fine or any penalty
15 remaining unpaid after the exhaustion of, or the failure to
16 exhaust, administrative remedies created under this Section
17 and the conclusion of any judicial review procedures shall be a
18 debt due and owing the municipality and, as such, may be
19 collected in accordance with applicable law. Payment in full of
20 any fine or penalty resulting from a standing, parking, or
21 compliance violation shall constitute a final disposition of
22 that violation.

23 (f) After the expiration of the period within which
24 judicial review may be sought for a final determination of
25 parking, standing, or compliance violation, the municipality
26 may commence a proceeding in the Circuit Court for purposes of
27 obtaining a judgment on the final determination of violation.
28 Nothing in this Section shall prevent a municipality from
29 consolidating multiple final determinations of parking,
30 standing, or compliance violation against a person in a
31 proceeding. Upon commencement of the action, the municipality
32 shall file a certified copy or record of the final
33 determination of parking, standing, or compliance violation,
34 which shall be accompanied by a certification that recites
35 facts sufficient to show that the final determination of
36 violation was issued in accordance with this Section and the

1 applicable municipal ordinance. Service of the summons and a
2 copy of the petition may be by any method provided by Section
3 2-203 of the Code of Civil Procedure or by certified mail,
4 return receipt requested, provided that the total amount of
5 fines and penalties for final determinations of parking,
6 standing, or compliance violations does not exceed \$2500. If
7 the court is satisfied that the final determination of parking,
8 standing, or compliance violation was entered in accordance
9 with the requirements of this Section and the applicable
10 municipal ordinance, and that the registered owner or the
11 lessee, as the case may be, had an opportunity for an
12 administrative hearing and for judicial review as provided in
13 this Section, the court shall render judgment in favor of the
14 municipality and against the registered owner or the lessee for
15 the amount indicated in the final determination of parking,
16 standing, or compliance violation, plus costs. The judgment
17 shall have the same effect and may be enforced in the same
18 manner as other judgments for the recovery of money.

19 (Source: P.A. 94-294, eff. 1-1-06.)

20 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

21 Sec. 11-1301.3. Unauthorized use of parking places
22 reserved for persons with disabilities.

23 (a) It shall be prohibited to park any motor vehicle which
24 is not properly displaying registration plates or decals issued
25 to a person with disabilities, as defined by Section 1-159.1,
26 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
27 disabled veteran pursuant to Section 3-609 of this Act, as
28 evidence that the vehicle is operated by or for a person with
29 disabilities or disabled veteran, in any parking place,
30 including any private or public offstreet parking facility,
31 specifically reserved, by the posting of an official sign as
32 designated under Section 11-301, for motor vehicles displaying
33 such registration plates. It shall be prohibited to park any
34 motor vehicle in a designated access aisle adjacent to any
35 parking place specifically reserved for persons with

1 disabilities, by the posting of an official sign as designated
2 under Section 11-301, for motor vehicles displaying such
3 registration plates. When using the parking privileges for
4 persons with disabilities, the parking decal or device must be
5 displayed properly in the vehicle where it is clearly visible
6 to law enforcement personnel, either hanging from the rearview
7 mirror or placed on the dashboard of the vehicle in clear view.
8 Any motor vehicle properly displaying a disability license
9 plate or a parking decal or device containing the International
10 symbol of access issued to persons with disabilities by any
11 local authority, state, district, territory or foreign country
12 shall be recognized by State and local authorities as a valid
13 license plate or device and receive the same parking privileges
14 as residents of this State.

15 (a-1) An individual with a vehicle displaying disability
16 license plates or a parking decal or device issued to a
17 qualified person with a disability under Sections 3-616,
18 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
19 3-609 is in violation of this Section if (i) the person using
20 the disability license plate or parking decal or device is not
21 the authorized holder of the disability license plate or
22 parking decal or device or is not transporting the authorized
23 holder of the disability license plate or parking decal or
24 device to or from the parking location and (ii) the person uses
25 the disability license plate or parking decal or device to
26 exercise any privileges granted through the disability license
27 plate or parking decals or devices under this Code.

28 (b) Any person or local authority owning or operating any
29 public or private offstreet parking facility may, after
30 notifying the police or sheriff's department, remove or cause
31 to be removed to the nearest garage or other place of safety
32 any vehicle parked within a stall or space reserved for use by
33 a person with disabilities which does not display person with
34 disabilities registration plates or a special decal or device
35 as required under this Section.

36 (c) Any person found guilty of violating the provisions of

1 subsection (a) shall be fined \$250 in addition to any costs or
2 charges connected with the removal or storage of any motor
3 vehicle authorized under this Section; but municipalities by
4 ordinance may impose a fine up to \$350 and shall display signs
5 indicating the fine imposed. If the amount of the fine is
6 subsequently changed, the municipality shall change the sign to
7 indicate the current amount of the fine. It shall not be a
8 defense to a charge under this Section that either the sign
9 posted pursuant to this Section or the intended accessible
10 parking place does not comply with the technical requirements
11 of Section 11-301, Department regulations, or local ordinance
12 if a reasonable person would be made aware by the sign or
13 notice on or near the parking place that the place is reserved
14 for a person with disabilities.

15 (c-1) Any person found guilty of violating the provisions
16 of subsection (a-1) shall be fined \$500 ~~and may have his or her~~
17 ~~driving privileges suspended or revoked by the Secretary of~~
18 ~~State for a period of time determined by the Secretary of~~
19 ~~State. The Secretary of State may also suspend or revoke the~~
20 ~~disability license plates or parking decal or device for a~~
21 ~~period of time determined by the Secretary of State.~~ The
22 circuit clerk shall distribute \$250 of the \$500 fine imposed on
23 any person who is found guilty of or pleads guilty to violating
24 this Section, including any person placed on court supervision
25 for violating this Section, to the law enforcement agency that
26 issued the citation or made the arrest. If more than one law
27 enforcement agency is responsible for issuing the citation or
28 making the arrest, the \$250 shall be shared equally.

29 (d) Local authorities shall impose fines as established in
30 subsections (c) and (c-1) for violations of this Section.

31 (e) As used in this Section, "authorized holder" means an
32 individual issued a disability license plate under Section
33 3-616 of this Code, an individual issued a parking decal or
34 device under Section 11-1301.2 of this Code, or an individual
35 issued a disabled veteran's license plate under Section 3-609
36 of this Code.

1 (f) Any person who commits a violation of subsection (a-1)
2 may have his or her driving privileges suspended or revoked by
3 the Secretary of State for a period of time determined by the
4 Secretary of State. The Secretary of State may also suspend or
5 revoke the disability license plates or parking decal or device
6 for a period of time determined by the Secretary of State.

7 (Source: P.A. 94-619, eff. 1-1-06.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.