

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 Liquor Control Act of 1934 is amended by
5 changing Sections 4-4 and 6-20 as follows:

6 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

7 Sec. 4-4. Each local liquor control commissioner shall also
8 have the following powers, functions and duties with respect to
9 licenses, other than licenses to manufacturers, importing
10 distributors, distributors, foreign importers, non-resident
11 dealers, non-beverage users, brokers, railroads, airplanes and
12 boats.

13 1. To grant and or suspend for not more than thirty
14 days or revoke for cause all local licenses issued to
15 persons for premises within his jurisdiction;

16 2. To enter or to authorize any law enforcing officer
17 to enter at any time upon any premises licensed hereunder
18 to determine whether any of the provisions of this Act or
19 any rules or regulations adopted by him or by the State
20 Commission have been or are being violated, and at such
21 time to examine said premises of said licensee in
22 connection therewith;

23 3. To notify the Secretary of State where a club

1 incorporated under the General Not for Profit Corporation
2 Act of 1986 or a foreign corporation functioning as a club
3 in this State under a certificate of authority issued under
4 that Act has violated this Act by selling or offering for
5 sale at retail alcoholic liquors without a retailer's
6 license;

7 4. To receive complaint from any citizen within his
8 jurisdiction that any of the provisions of this Act, or any
9 rules or regulations adopted pursuant hereto, have been or
10 are being violated and to act upon such complaints in the
11 manner hereinafter provided;

12 5. To receive local license fees and pay the same
13 forthwith to the city, village, town or county treasurer as
14 the case may be.

15 Each local liquor commissioner also has the duty to notify
16 the Secretary of State of any convictions or dispositions of
17 court supervision for a violation of Section 6-20 of this Act
18 or a similar provision of a local ordinance.

19 In counties and municipalities, the local liquor control
20 commissioners shall also have the power to levy fines in
21 accordance with Section 7-5 of this Act.

22 (Source: P.A. 91-357, eff. 7-29-99; 92-804, eff. 1-1-03.)

23 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

24 Sec. 6-20. Transfer, possession, and consumption of
25 alcoholic liquor; restrictions.

1 (a) Any person to whom the sale, gift or delivery of any
2 alcoholic liquor is prohibited because of age shall not
3 purchase, or accept a gift of such alcoholic liquor or have
4 such alcoholic liquor in his possession.

5 (b) If a licensee or his or her agents or employees
6 believes or has reason to believe that a sale or delivery of
7 any alcoholic liquor is prohibited because of the non-age of
8 the prospective recipient, he or she shall, before making such
9 sale or delivery demand presentation of some form of positive
10 identification, containing proof of age, issued by a public
11 officer in the performance of his or her official duties.

12 (c) No person shall transfer, alter, or deface such an
13 identification card; use the identification card of another;
14 carry or use a false or forged identification card; or obtain
15 an identification card by means of false information.

16 (d) No person shall purchase, accept delivery or have
17 possession of alcoholic liquor in violation of this Section.

18 (e) The consumption of alcoholic liquor by any person under
19 21 years of age is forbidden.

20 (f) Whoever violates any provisions of this Section shall
21 be guilty of a Class A misdemeanor.

22 (g) The possession and dispensing, or consumption by a
23 person under 21 years of age of alcoholic liquor in the
24 performance of a religious service or ceremony, or the
25 consumption by a person under 21 years of age under the direct
26 supervision and approval of the parents or parent or those

1 persons standing in loco parentis of such person under 21 years
2 of age in the privacy of a home, is not prohibited by this Act.
3 (Source: P.A. 90-432, eff. 1-1-98.)

4 Section 10. The Illinois Vehicle Code is amended by
5 changing Section 6-206 as follows:

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

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

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

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

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of

1 ability to exercise ordinary and reasonable care in the
2 safe operation of a motor vehicle or disrespect for the
3 traffic laws and the safety of other persons upon the
4 highway;

5 4. Has by the unlawful operation of a motor vehicle
6 caused or contributed to an accident resulting in death or
7 injury requiring immediate professional treatment in a
8 medical facility or doctor's office to any person, except
9 that any suspension or revocation imposed by the Secretary
10 of State under the provisions of this subsection shall
11 start no later than 6 months after being convicted of
12 violating a law or ordinance regulating the movement of
13 traffic, which violation is related to the accident, or
14 shall start not more than one year after the date of the
15 accident, whichever date occurs later;

16 5. Has permitted an unlawful or fraudulent use of a
17 driver's license, identification card, or permit;

18 6. Has been lawfully convicted of an offense or
19 offenses in another state, including the authorization
20 contained in Section 6-203.1, which if committed within
21 this State would be grounds for suspension or revocation;

22 7. Has refused or failed to submit to an examination
23 provided for by Section 6-207 or has failed to pass the
24 examination;

25 8. Is ineligible for a driver's license or permit under
26 the provisions of Section 6-103;

1 9. Has made a false statement or knowingly concealed a
2 material fact or has used false information or
3 identification in any application for a license,
4 identification card, or permit;

5 10. Has possessed, displayed, or attempted to
6 fraudulently use any license, identification card, or
7 permit not issued to the person;

8 11. Has operated a motor vehicle upon a highway of this
9 State when the person's driving privilege or privilege to
10 obtain a driver's license or permit was revoked or
11 suspended unless the operation was authorized by a judicial
12 driving permit, probationary license to drive, or a
13 restricted driving permit issued under this Code;

14 12. Has submitted to any portion of the application
15 process for another person or has obtained the services of
16 another person to submit to any portion of the application
17 process for the purpose of obtaining a license,
18 identification card, or permit for some other person;

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

22 14. Has committed a violation of Section 6-301,
23 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
24 of the Illinois Identification Card Act;

25 15. Has been convicted of violating Section 21-2 of the
26 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

1 violation of paragraph (a) of Section 11-502 of this Code
2 for a second or subsequent time within one year of a
3 similar violation;

4 24. Has been convicted by a court-martial or punished
5 by non-judicial punishment by military authorities of the
6 United States at a military installation in Illinois of or
7 for a traffic related offense that is the same as or
8 similar to an offense specified under Section 6-205 or
9 6-206 of this Code;

10 25. Has permitted any form of identification to be used
11 by another in the application process in order to obtain or
12 attempt to obtain a license, identification card, or
13 permit;

14 26. Has altered or attempted to alter a license or has
15 possessed an altered license, identification card, or
16 permit;

17 27. Has violated Section 6-16 of the Liquor Control Act
18 of 1934;

19 28. Has been convicted of the illegal possession, while
20 operating or in actual physical control, as a driver, of a
21 motor vehicle, of any controlled substance prohibited
22 under the 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, in which case the
26 person's driving privileges shall be suspended for one

1 year, and any driver who is convicted of a second or
2 subsequent offense, within 5 years of a previous
3 conviction, for the illegal possession, while operating or
4 in actual physical control, as a driver, of a motor
5 vehicle, of any controlled substance prohibited under the
6 Illinois Controlled Substances Act, any cannabis
7 prohibited under the Cannabis Control Act, or any
8 methamphetamine prohibited under the Methamphetamine
9 Control and Community Protection Act shall be suspended for
10 5 years. Any defendant found guilty of this offense while
11 operating a motor vehicle, shall have an entry made in the
12 court record by the presiding judge that this offense did
13 occur while the defendant was operating a motor vehicle and
14 order the clerk of the court to report the violation to the
15 Secretary of State;

16 29. Has been convicted of the following offenses that
17 were committed while the person was operating or in actual
18 physical control, as a driver, of a motor vehicle: criminal
19 sexual assault, predatory criminal sexual assault of a
20 child, aggravated criminal sexual assault, criminal sexual
21 abuse, aggravated criminal sexual abuse, juvenile pimping,
22 soliciting for a juvenile prostitute and the manufacture,
23 sale or delivery of controlled substances or instruments
24 used for illegal drug use or abuse in which case the
25 driver's driving privileges shall be suspended for one
26 year;

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

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

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

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

24 34. Has committed a violation of Section 11-1301.5 of
25 this Code;

26 35. Has committed a violation of Section 11-1301.6 of

1 this Code;

2 36. Is under the age of 21 years at the time of arrest
3 and has been convicted of not less than 2 offenses against
4 traffic regulations governing the movement of vehicles
5 committed within any 24 month period. No revocation or
6 suspension shall be entered more than 6 months after the
7 date of last conviction;

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

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

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

15 40. Has committed a violation of subsection (a-1) of
16 Section 11-908 of this Code;

17 41. Has committed a second or subsequent violation of
18 Section 11-605.1 of this Code within 2 years of the date of
19 the previous violation, in which case the suspension shall
20 be for 90 days; ~~or~~

21 42. Has committed a violation of subsection (a-1) of
22 Section 11-1301.3 of this Code; or -

23 43. Has received a disposition of court supervision for
24 a violation of subsection (a), (d), or (e) of Section 6-20
25 of the Liquor Control Act of 1934 or a similar provision of
26 a local ordinance, in which case the suspension shall be

1 for a period of 3 months.

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

9 (b) If any conviction forming the basis of a suspension or
10 revocation authorized under this Section is appealed, the
11 Secretary of State may rescind or withhold the entry of the
12 order of suspension or revocation, as the case may be, provided
13 that a certified copy of a stay order of a court is filed with
14 the Secretary of State. If the conviction is affirmed on
15 appeal, the date of the conviction shall relate back to the
16 time the original judgment of conviction was entered and the 6
17 month limitation prescribed shall not apply.

18 (c) 1. Upon suspending or revoking the driver's license or
19 permit of any person as authorized in this Section, the
20 Secretary of State shall immediately notify the person in
21 writing of the revocation or suspension. The notice to be
22 deposited in the United States mail, postage prepaid, to
23 the last known address of the person.

24 2. If the Secretary of State suspends the driver's
25 license of a person under subsection 2 of paragraph (a) of
26 this Section, a person's privilege to operate a vehicle as

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

25 The provisions of this subparagraph shall not apply to
26 any driver required to possess a CDL for the purpose of

1 operating a commercial motor vehicle.

2 Any person who falsely states any fact in the affidavit
3 required herein shall be guilty of perjury under Section
4 6-302 and upon conviction thereof shall have all driving
5 privileges revoked without further rights.

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

1 If a person's license or permit has been revoked or
2 suspended due to 2 or more convictions of violating Section
3 11-501 of this Code or a similar provision of a local
4 ordinance or a similar out-of-state offense, arising out of
5 separate occurrences, that person, if issued a restricted
6 driving permit, may not operate a vehicle unless it has
7 been equipped with an ignition interlock device as defined
8 in Section 1-129.1.

9 If a person's license or permit has been revoked or
10 suspended 2 or more times within a 10 year period due to a
11 single conviction of violating Section 11-501 of this Code
12 or a similar provision of a local ordinance or a similar
13 out-of-state offense, and a statutory summary suspension
14 under Section 11-501.1, or 2 or more statutory summary
15 suspensions, or combination of 2 offenses, or of an offense
16 and a statutory summary suspension, arising out of separate
17 occurrences, that person, if issued a restricted driving
18 permit, may not operate a vehicle unless it has been
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1. The person must pay to the Secretary of
21 State DUI Administration Fund an amount not to exceed \$20
22 per month. The Secretary shall establish by rule the amount
23 and the procedures, terms, and conditions relating to these
24 fees. If the restricted driving permit was issued for
25 employment purposes, then this provision does not apply to
26 the operation of an occupational vehicle owned or leased by

1 that person's employer. In each case the Secretary may
2 issue a restricted driving permit for a period deemed
3 appropriate, except that all permits shall expire within
4 one year from the date of issuance. The Secretary may not,
5 however, issue a restricted driving permit to any person
6 whose current revocation is the result of a second or
7 subsequent conviction for a violation of Section 11-501 of
8 this Code or a similar provision of a local ordinance
9 relating to the offense of operating or being in physical
10 control of a motor vehicle while under the influence of
11 alcohol, other drug or drugs, intoxicating compound or
12 compounds, or any similar out-of-state offense, or any
13 combination of those offenses, until the expiration of at
14 least one year from the date of the revocation. A
15 restricted driving permit issued under this Section shall
16 be subject to cancellation, revocation, and suspension by
17 the Secretary of State in like manner and for like cause as
18 a driver's license issued under this Code may be cancelled,
19 revoked, or suspended; except that a conviction upon one or
20 more offenses against laws or ordinances regulating the
21 movement of traffic shall be deemed sufficient cause for
22 the revocation, suspension, or cancellation of a
23 restricted driving permit. The Secretary of State may, as a
24 condition to the issuance of a restricted driving permit,
25 require the applicant to participate in a designated driver
26 remedial or rehabilitative program. The Secretary of State

1 is authorized to cancel a restricted driving permit if the
2 permit holder does not successfully complete the program.

3 (c-3) In the case of a suspension under paragraph 43 of
4 subsection (a), reports received by the Secretary of State
5 under this Section shall, except during the actual time the
6 suspension is in effect, be privileged information and for use
7 only by the courts, police officers, prosecuting authorities,
8 driver licensing administrator of any other state, or the
9 Secretary of State. However, beginning January 1, 2008, if the
10 person is a CDL holder, the suspension shall also be made
11 available to the driver licensing administrator of any other
12 state, the U.S. Department of Transportation, and the affected
13 driver or motor carrier or prospective motor carrier upon
14 request.

15 (c-4) In the case of a suspension under paragraph 43 of
16 subsection (a), the Secretary of State shall notify the person
17 by mail that his or her driving privileges and driver's license
18 will be suspended one month after the date of the mailing of
19 the notice.

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

1 (d) This Section is subject to the provisions of the
2 Drivers License Compact.

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

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

12 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
13 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
14 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2008.