



Rep. Tom Cross

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09500HB3131ham002

LRB095 06798 DRH 35080 a

1 AMENDMENT TO HOUSE BILL 3131

2 AMENDMENT NO. _____. Amend House Bill 3131 by replacing
3 everything after the enacting clause with the following:

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

1 to enter at any time upon any premises licensed hereunder
2 to determine whether any of the provisions of this Act or
3 any rules or regulations adopted by him or by the State
4 Commission have been or are being violated, and at such
5 time to examine said premises of said licensee in
6 connection therewith;

7 3. To notify the Secretary of State where a club
8 incorporated under the General Not for Profit Corporation
9 Act of 1986 or a foreign corporation functioning as a club
10 in this State under a certificate of authority issued under
11 that Act has violated this Act by selling or offering for
12 sale at retail alcoholic liquors without a retailer's
13 license;

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

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

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

26 In counties and municipalities, the local liquor control

1 commissioners shall also have the power to levy fines in
2 accordance with Section 7-5 of this Act.

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

4 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

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

7 (a) Any person to whom the sale, gift or delivery of any
8 alcoholic liquor is prohibited because of age shall not
9 purchase, or accept a gift of such alcoholic liquor or have
10 such alcoholic liquor in his possession.

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

18 (c) No person shall transfer, alter, or deface such an
19 identification card; use the identification card of another;
20 carry or use a false or forged identification card; or obtain
21 an identification card by means of false information.

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

24 (e) The consumption of alcoholic liquor by any person under
25 21 years of age is forbidden.

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

3 (g) The possession and dispensing, or consumption by a
4 person under 21 years of age of alcoholic liquor in the
5 performance of a religious service or ceremony, or the
6 consumption by a person under 21 years of age under the direct
7 supervision and approval of the parents or parent or those
8 persons standing in loco parentis of such person under 21 years
9 of age in the privacy of a home, is not prohibited by this Act.

10 (Source: P.A. 90-432, eff. 1-1-98.)

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

13 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without preliminary
18 hearing upon a showing of the person's records or other
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required upon
22 conviction;

23 2. Has been convicted of not less than 3 offenses
24 against traffic regulations governing the movement of

1 vehicles committed within any 12 month period. No
2 revocation or suspension shall be entered more than 6
3 months after the date of last conviction;

4 3. Has been repeatedly involved as a driver in motor
5 vehicle collisions or has been repeatedly convicted of
6 offenses against laws and ordinances regulating the
7 movement of traffic, to a degree that indicates lack of
8 ability to exercise ordinary and reasonable care in the
9 safe operation of a motor vehicle or disrespect for the
10 traffic laws and the safety of other persons upon the
11 highway;

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

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

25 6. Has been lawfully convicted of an offense or
26 offenses in another state, including the authorization

1 contained in Section 6-203.1, which if committed within
2 this State would be grounds for suspension or revocation;

3 7. Has refused or failed to submit to an examination
4 provided for by Section 6-207 or has failed to pass the
5 examination;

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

8 9. Has made a false statement or knowingly concealed a
9 material fact or has used false information or
10 identification in any application for a license,
11 identification card, or permit;

12 10. Has possessed, displayed, or attempted to
13 fraudulently use any license, identification card, or
14 permit not issued to the person;

15 11. Has operated a motor vehicle upon a highway of this
16 State when the person's driving privilege or privilege to
17 obtain a driver's license or permit was revoked or
18 suspended unless the operation was authorized by a judicial
19 driving permit, probationary license to drive, or a
20 restricted driving permit issued under this Code;

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

26 13. Has operated a motor vehicle upon a highway of this

1 State when the person's driver's license or permit was
2 invalid under the provisions of Sections 6-107.1 and 6-110;

3 14. Has committed a violation of Section 6-301,
4 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
5 of the Illinois Identification Card Act;

6 15. Has been convicted of violating Section 21-2 of the
7 Criminal Code of 1961 relating to criminal trespass to
8 vehicles in which case, the suspension shall be for one
9 year;

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

12 17. Has refused to submit to a test, or tests, as
13 required under Section 11-501.1 of this Code and the person
14 has not sought a hearing as provided for in Section
15 11-501.1;

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

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

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

24 21. Has been convicted of violating Section 11-402 of
25 this Code relating to leaving the scene of an accident
26 resulting in damage to a vehicle in excess of \$1,000, in

1 which case the suspension shall be for one year;

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

7 23. Has, as a driver, been convicted of committing a
8 violation of paragraph (a) of Section 11-502 of this Code
9 for a second or subsequent time within one year of a
10 similar violation;

11 24. Has been convicted by a court-martial or punished
12 by non-judicial punishment by military authorities of the
13 United States at a military installation in Illinois of or
14 for a traffic related offense that is the same as or
15 similar to an offense specified under Section 6-205 or
16 6-206 of this Code;

17 25. Has permitted any form of identification to be used
18 by another in the application process in order to obtain or
19 attempt to obtain a license, identification card, or
20 permit;

21 26. Has altered or attempted to alter a license or has
22 possessed an altered license, identification card, or
23 permit;

24 27. Has violated Section 6-16 of the Liquor Control Act
25 of 1934;

26 28. Has been convicted of the illegal possession, while

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

23 29. Has been convicted of the following offenses that
24 were committed while the person was operating or in actual
25 physical control, as a driver, of a motor vehicle: criminal
26 sexual assault, predatory criminal sexual assault of a

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

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

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

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

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

5 34. Has committed a violation of Section 11-1301.5 of
6 this Code;

7 35. Has committed a violation of Section 11-1301.6 of
8 this Code;

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

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

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

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

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

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code within 2 years of the date of
26 the previous violation, in which case the suspension shall

1 be for 90 days; ~~or~~

2 42. Has committed a violation of subsection (a-1) of
3 Section 11-1301.3 of this Code; or ~~or~~

4 43. Has received a disposition of court supervision for
5 a violation of subsection (a), (d), or (e) of Section 6-20
6 of the Liquor Control Act of 1934 or a similar provision of
7 a local ordinance, in which case the suspension shall be
8 for a period of 3 months.

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

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

25 (c) 1. Upon suspending or revoking the driver's license or
26 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

1 privilege to drive any motor vehicle shall be suspended as
2 set forth in the notice that was mailed under this Section.
3 If an affidavit is received subsequent to the effective
4 date of this suspension, a permit may be issued for the
5 remainder of the suspension period.

6 The provisions of this subparagraph shall not apply to
7 any driver required to possess a CDL for the purpose of
8 operating a commercial motor vehicle.

9 Any person who falsely states any fact in the affidavit
10 required herein shall be guilty of perjury under Section
11 6-302 and upon conviction thereof shall have all driving
12 privileges revoked without further rights.

13 3. At the conclusion of a hearing under Section 2-118
14 of this Code, the Secretary of State shall either rescind
15 or continue an order of revocation or shall substitute an
16 order of suspension; or, good cause appearing therefor,
17 rescind, continue, change, or extend the order of
18 suspension. If the Secretary of State does not rescind the
19 order, the Secretary may upon application, to relieve undue
20 hardship, issue a restricted driving permit granting the
21 privilege of driving a motor vehicle between the
22 petitioner's residence and petitioner's place of
23 employment or within the scope of his employment related
24 duties, or to allow transportation for the petitioner, or a
25 household member of the petitioner's family, to receive
26 necessary medical care and if the professional evaluation

1 indicates, provide transportation for alcohol remedial or
2 rehabilitative activity, or for the petitioner to attend
3 classes, as a student, in an accredited educational
4 institution; if the petitioner is able to demonstrate that
5 no alternative means of transportation is reasonably
6 available and the petitioner will not endanger the public
7 safety or welfare.

8 If a person's license or permit has been revoked or
9 suspended due to 2 or more convictions of violating Section
10 11-501 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense, arising out of
12 separate occurrences, that person, if issued a restricted
13 driving permit, may not operate a vehicle unless it has
14 been equipped with an ignition interlock device as defined
15 in Section 1-129.1.

16 If a person's license or permit has been revoked or
17 suspended 2 or more times within a 10 year period due to a
18 single conviction of violating Section 11-501 of this Code
19 or a similar provision of a local ordinance or a similar
20 out-of-state offense, and a statutory summary suspension
21 under Section 11-501.1, or 2 or more statutory summary
22 suspensions, or combination of 2 offenses, or of an offense
23 and a statutory summary suspension, arising out of separate
24 occurrences, that person, if issued a restricted driving
25 permit, may not operate a vehicle unless it has been
26 equipped with an ignition interlock device as defined in

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

1 more offenses against laws or ordinances regulating the
2 movement of traffic shall be deemed sufficient cause for
3 the revocation, suspension, or cancellation of a
4 restricted driving permit. The Secretary of State may, as a
5 condition to the issuance of a restricted driving permit,
6 require the applicant to participate in a designated driver
7 remedial or rehabilitative program. The Secretary of State
8 is authorized to cancel a restricted driving permit if the
9 permit holder does not successfully complete the program.

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

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

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

8 (d) This Section is subject to the provisions of the
9 Drivers License Compact.

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

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

19 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
20 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
21 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2008."