



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4861

by Rep. Luis Arroyo

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206

from Ch. 95 1/2, par. 6-206

625 ILCS 5/11-507 new

Amends the Illinois Vehicle Code. Creates the offense of infliction of serious physical injury or death to a vulnerable user of a public way. Provides that a person commits the offense of infliction of serious physical injury or death to a vulnerable user of a public way if the person (i) operates a vehicle upon a highway in this State in a careless or reckless manner and (ii) causes serious physical injury or death to a vulnerable user of a public way. Provides that infliction of serious physical injury or death to a vulnerable user of a public way is a Class A misdemeanor and carries a minimum fine of \$12,500. Provides that any driver who is convicted of infliction of serious physical injury or death to a vulnerable user of a public way is subject to suspension of his or her driving privileges.

LRB095 15331 LCT 41319 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Section 6-206 and by adding Section 11-507 as follows:

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

7 (Text of Section after amendment by P.A. 95-400)

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

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

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

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

22 3. Has been repeatedly involved as a driver in motor
23 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

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

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

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

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

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

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

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

10 11. Has operated a motor vehicle upon a highway of this
11 State when the person's driving privilege or privilege to
12 obtain a driver's license or permit was revoked or
13 suspended unless the operation was authorized by a
14 monitoring device driving permit, judicial driving permit
15 issued prior to January 1, 2009 ~~the effective date of this~~
16 ~~amendatory Act of the 95th General Assembly~~, probationary
17 license to drive, or a restricted driving permit issued
18 under this Code;

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

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

1 14. Has committed a violation of Section 6-301,
2 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
3 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

26 22. Has used a motor vehicle in violating paragraph

1 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
2 the Criminal Code of 1961 relating to unlawful use of
3 weapons, in which case the suspension shall be for one
4 year;

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

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

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

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

22 27. Has violated Section 6-16 of the Liquor Control Act
23 of 1934;

24 28. Has been convicted of the illegal possession, while
25 operating or in actual physical control, as a driver, of a
26 motor vehicle, of any controlled substance prohibited

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

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

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

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

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

1 on the date of the offense, been convicted a first time of
2 a violation of paragraph (a) of Section 11-502 of this Code
3 or a similar provision of a local ordinance;

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

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

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

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

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

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

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

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

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

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

8 44. ~~43.~~ Is under the age of 21 years at the time of
9 arrest and has been convicted of an offense against traffic
10 regulations governing the movement of vehicles after
11 having previously had his or her driving privileges ~~been~~
12 suspended or revoked pursuant to subparagraph 36 of this
13 Section; ~~or~~

14 45. ~~43.~~ Has, in connection with or during the course of
15 a formal hearing conducted under Section 2-118 of this
16 Code: (i) committed perjury; (ii) submitted fraudulent or
17 falsified documents; (iii) submitted documents that have
18 been materially altered; or (iv) submitted, as his or her
19 own, documents that were in fact prepared or composed for
20 another person; or ~~or~~

21 46. Has committed a violation of Section 11-507 of this
22 Code.

23 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
24 and 27 of this subsection, license means any driver's license,
25 any traffic ticket issued when the person's driver's license is
26 deposited in lieu of bail, a suspension notice issued by the

1 Secretary of State, a duplicate or corrected driver's license,
2 a probationary driver's license or a temporary driver's
3 license.

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

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

19 2. If the Secretary of State suspends the driver's
20 license of a person under subsection 2 of paragraph (a) of
21 this Section, a person's privilege to operate a vehicle as
22 an occupation shall not be suspended, provided an affidavit
23 is properly completed, the appropriate fee received, and a
24 permit issued prior to the effective date of the
25 suspension, unless 5 offenses were committed, at least 2 of
26 which occurred while operating a commercial vehicle in

1 connection with the driver's regular occupation. All other
2 driving privileges shall be suspended by the Secretary of
3 State. Any driver prior to operating a vehicle for
4 occupational purposes only must submit the affidavit on
5 forms to be provided by the Secretary of State setting
6 forth the facts of the person's occupation. The affidavit
7 shall also state the number of offenses committed while
8 operating a vehicle in connection with the driver's regular
9 occupation. The affidavit shall be accompanied by the
10 driver's license. Upon receipt of a properly completed
11 affidavit, the Secretary of State shall issue the driver a
12 permit to operate a vehicle in connection with the driver's
13 regular occupation only. Unless the permit is issued by the
14 Secretary of State prior to the date of suspension, the
15 privilege to drive any motor vehicle shall be suspended as
16 set forth in the notice that was mailed under this Section.
17 If an affidavit is received subsequent to the effective
18 date of this suspension, a permit may be issued for the
19 remainder of the suspension period.

20 The provisions of this subparagraph shall not apply to
21 any driver required to possess a CDL for the purpose of
22 operating a commercial motor vehicle.

23 Any person who falsely states any fact in the affidavit
24 required herein shall be guilty of perjury under Section
25 6-302 and upon conviction thereof shall have all driving
26 privileges revoked without further rights.

1 3. At the conclusion of a hearing under Section 2-118
2 of this Code, the Secretary of State shall either rescind
3 or continue an order of revocation or shall substitute an
4 order of suspension; or, good cause appearing therefor,
5 rescind, continue, change, or extend the order of
6 suspension. If the Secretary of State does not rescind the
7 order, the Secretary may upon application, to relieve undue
8 hardship (as defined by the rules of the Secretary of
9 State), issue a restricted driving permit granting the
10 privilege of driving a motor vehicle between the
11 petitioner's residence and petitioner's place of
12 employment or within the scope of the petitioner's
13 employment related duties, or to allow transportation for
14 the petitioner, or a household member of the petitioner's
15 family, to receive necessary medical care, provide
16 transportation to and from alcohol or drug remedial or
17 rehabilitative activity recommended by a licensed service
18 provider, or for the petitioner to attend classes, as a
19 student, in an accredited educational institution. The
20 petitioner must demonstrate that no alternative means of
21 transportation is reasonably available and that the
22 petitioner will not endanger the public safety or welfare.
23 Those multiple offenders identified in subdivision (b)4 of
24 Section 6-208 of this Code, however, shall not be eligible
25 for the issuance of a restricted driving permit.

26 (A) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense, or Section 9-3
4 of the Criminal Code of 1961, where the use of alcohol or
5 other drugs is recited as an element of the offense, or a
6 similar out-of-state offense, or a combination of these
7 offenses, arising out of separate occurrences, that
8 person, if issued a restricted driving permit, may not
9 operate a vehicle unless it has been equipped with an
10 ignition interlock device as defined in Section 1-129.1.

11 (B) If a person's license or permit is revoked or
12 suspended 2 or more times within a 10 year period due to
13 any combination of:

14 (i) a single conviction of violating Section
15 11-501 of this Code or a similar provision of a local
16 ordinance or a similar out-of-state offense or Section
17 9-3 of the Criminal Code of 1961, where the use of
18 alcohol or other drugs is recited as an element of the
19 offense, or a similar out-of-state offense; or

20 (ii) a statutory summary suspension under Section
21 11-501.1; or

22 (iii) a suspension under Section 6-203.1, arising
23 out of separate occurrences, that person, if issued a
24 restricted driving permit, may not operate a vehicle
25 unless it has been equipped with an ignition interlock
26 device as defined in Section 1-129.1.

1 (C) The person must pay to the Secretary of State DUI
2 Administration Fund an amount not to exceed \$20 per month.
3 The Secretary shall establish by rule the amount and the
4 procedures, terms, and conditions relating to these fees.

5 (D) If the restricted driving permit is issued for
6 employment purposes, then the prohibition against
7 operating a motor vehicle that is not equipped with an
8 ignition interlock device does not apply to the operation
9 of an occupational vehicle owned or leased by that person's
10 employer when used solely for employment purposes.

11 (E) In each case the Secretary may issue a restricted
12 driving permit for a period deemed appropriate, except that
13 all permits shall expire within one year from the date of
14 issuance. The Secretary may not, however, issue a
15 restricted driving permit to any person whose current
16 revocation is the result of a second or subsequent
17 conviction for a violation of Section 11-501 of this Code
18 or a similar provision of a local ordinance or any similar
19 out-of-state offense, or Section 9-3 of the Criminal Code
20 of 1961, where the use of alcohol or other drugs is recited
21 as an element of the offense, or any similar out-of-state
22 offense, or any combination of those offenses, until the
23 expiration of at least one year from the date of the
24 revocation. A restricted driving permit issued under this
25 Section shall be subject to cancellation, revocation, and
26 suspension by the Secretary of State in like manner and for

1 like cause as a driver's license issued under this Code may
2 be cancelled, revoked, or suspended; except that a
3 conviction upon one or more offenses against laws or
4 ordinances regulating the movement of traffic shall be
5 deemed sufficient cause for the revocation, suspension, or
6 cancellation of a restricted driving permit. The Secretary
7 of State may, as a condition to the issuance of a
8 restricted driving permit, require the applicant to
9 participate in a designated driver remedial or
10 rehabilitative program. The Secretary of State is
11 authorized to cancel a restricted driving permit if the
12 permit holder does not successfully complete the program.

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

25 (c-4) In the case of a suspension under paragraph 43 of
26 subsection (a), the Secretary of State shall notify the person

1 by mail that his or her driving privileges and driver's license
2 will be suspended one month after the date of the mailing of
3 the notice.

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

11 (d) This Section is subject to the provisions of the
12 Drivers License Compact.

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

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

22 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
23 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;
24 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;
25 revised 1-28-08.)

1 (625 ILCS 5/11-507 new)

2 Sec. 11-507. Infliction of serious injury or death to a
3 vulnerable user of a public way.

4 (a) A person commits the offense of infliction of serious
5 physical injury or death to a vulnerable user of a public way
6 if the person:

7 (1) operates a vehicle upon a highway in a careless or
8 reckless manner; and

9 (2) causes serious physical injury or death to a
10 vulnerable user of a public way.

11 (b) Any person convicted of a violation of subsection (a)
12 is guilty of a Class A misdemeanor and is subject to a minimum
13 fine of \$12,500. Any driver who is convicted of violating
14 subsection (a) of this Section is subject to suspension of
15 driving privileges as provided in Section 6-206 of this Code.

16 (c) For the purposes of this Section:

17 "Serious physical injury" means a physical injury that
18 creates a substantial risk of death, or that causes death,
19 serious disfigurement, protracted impairment of health, or
20 impairment of the function of any bodily organ, or that
21 requires plastic surgery.

22 "Vulnerable user of a public way" means a pedestrian, a
23 highway worker, a person riding an animal, or a person
24 operating any of the following on a public way, crosswalk, or
25 shoulder of the highway:

26 (1) A farm tractor or implement of husbandry

1 without an enclosed shell.

2 (2) A skateboard.

3 (3) Roller skates.

4 (4) In-line skates.

5 (5) A scooter.

6 (6) A bicycle.