

SB0585



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0585

Introduced 2/8/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206.2
625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Provides that it is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device to operate a motor vehicle not equipped with that device. Provides that a violation is a Class A misdemeanor. Provides that the person also commits a Class A misdemeanor if he or she solicits another person to blow into the device to start the engine of the vehicle. Provides that when the Secretary of State receives a report of a conviction of any violation indicating that a person prohibited from operating a vehicle not equipped with an ignition interlock device was operating a vehicle not equipped with that device, the Secretary shall not issue a driver's license to that person for an additional period of one year from the date of the conviction.

LRB095 04709 DRH 30937 b

CORRECTIONAL
BUDGET AND
IMPACT 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 6-206.2 and 6-303 as follows:

6 (625 ILCS 5/6-206.2)

7 Sec. 6-206.2. Violations relating to an ignition interlock
8 device.

9 (a) It is unlawful for any person whose driving privilege
10 is restricted by being prohibited from operating a motor
11 vehicle not equipped with an ignition interlock device to
12 operate a motor vehicle not equipped with an ignition interlock
13 device.

14 (a-5) It is unlawful for any person whose driving privilege
15 is restricted by being prohibited from operating a motor
16 vehicle not equipped with an ignition interlock device to
17 request or solicit any other person to blow into an ignition
18 interlock device or to start a motor vehicle equipped with the
19 device for the purpose of providing the person so restricted
20 with an operable motor vehicle.

21 (b) It is unlawful to blow into an ignition interlock
22 device or to start a motor vehicle equipped with the device for
23 the purpose of providing an operable motor vehicle to a person

1 whose driving privilege is restricted by being prohibited from
2 operating a motor vehicle not equipped with an ignition
3 interlock device.

4 (c) It is unlawful to tamper with, or circumvent the
5 operation of, an ignition interlock device.

6 (d) Except as provided in subsection (c) (17) of Section
7 5-6-3.1 of the Unified Code of Corrections or by rule, no
8 person shall knowingly rent, lease, or lend a motor vehicle to
9 a person known to have his or her driving privilege restricted
10 by being prohibited from operating a vehicle not equipped with
11 an ignition interlock device, unless the vehicle is equipped
12 with a functioning ignition interlock device. Any person whose
13 driving privilege is so restricted shall notify any person
14 intending to rent, lease, or loan a motor vehicle to the
15 restricted person of the driving restriction imposed upon him
16 or her.

17 (d-5) A person convicted of a violation of this Section is
18 guilty of a Class A misdemeanor ~~subsection shall be punished by~~
19 ~~imprisonment for not more than 6 months or by a fine of not~~
20 ~~more than \$5,000, or both.~~

21 (e) (Blank). ~~If a person prohibited under paragraph (2) or~~
22 ~~paragraph (3) of subsection (c 4) of Section 11-501 from~~
23 ~~driving any vehicle not equipped with an ignition interlock~~
24 ~~device nevertheless is convicted of driving a vehicle that is~~
25 ~~not equipped with the device, that person is prohibited from~~
26 ~~driving any vehicle not equipped with an ignition interlock~~

1 ~~device for an additional period of time equal to the initial~~
2 ~~time period that the person was required to use an ignition~~
3 ~~interlock device.~~

4 (Source: P.A. 91-127, eff. 1-1-00; 92-418, eff. 8-17-01.)

5 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

6 Sec. 6-303. Driving while driver's license, permit or
7 privilege to operate a motor vehicle is suspended or revoked.

8 (a) Any person who drives or is in actual physical control
9 of a motor vehicle on any highway of this State at a time when
10 such person's driver's license, permit or privilege to do so or
11 the privilege to obtain a driver's license or permit is revoked
12 or suspended as provided by this Code or the law of another
13 state, except as may be specifically allowed by a judicial
14 driving permit, family financial responsibility driving
15 permit, probationary license to drive, or a restricted driving
16 permit issued pursuant to this Code or under the law of another
17 state, shall be guilty of a Class A misdemeanor.

18 (b) The Secretary of State upon receiving a report of the
19 conviction of any violation indicating a person was operating a
20 motor vehicle during the time when said person's driver's
21 license, permit or privilege was suspended by the Secretary, by
22 the appropriate authority of another state, or pursuant to
23 Section 11-501.1; except as may be specifically allowed by a
24 probationary license to drive, judicial driving permit or
25 restricted driving permit issued pursuant to this Code or the

1 law of another state; shall extend the suspension for the same
2 period of time as the originally imposed suspension; however,
3 if the period of suspension has then expired, the Secretary
4 shall be authorized to suspend said person's driving privileges
5 for the same period of time as the originally imposed
6 suspension. ~~and if the~~

7 (b-3) When the Secretary of State receives a report of a
8 conviction of any violation indicating ~~was upon a charge which~~
9 ~~indicated~~ that a vehicle was operated during the time when the
10 person's driver's license, permit or privilege was revoked, ~~and~~
11 except as may be allowed by a restricted driving permit issued
12 pursuant to this Code or the law of another state, ~~and~~ the
13 Secretary shall not issue a driver's license to that person for
14 an additional period of one year from the date of such
15 conviction ~~indicating such person was operating a vehicle~~
16 ~~during such period of revocation.~~

17 (b-5) When the Secretary of State receives a report of a
18 conviction of any violation indicating a person was operating a
19 motor vehicle that was not equipped with an ignition interlock
20 device during a time when the person was prohibited from
21 operating a motor vehicle not equipped with such a device, the
22 Secretary shall not issue a driver's license to that person for
23 an additional period of one year from the date of the
24 conviction.

25 (c) Any person convicted of violating this Section shall
26 serve a minimum term of imprisonment of 10 consecutive days or

1 30 days of community service when the person's driving
2 privilege was revoked or suspended as a result of:

3 (1) a violation of Section 11-501 of this Code or a
4 similar provision of a local ordinance relating to the
5 offense of operating or being in physical control of a
6 vehicle while under the influence of alcohol, any other
7 drug or any combination thereof; or

8 (2) a violation of paragraph (b) of Section 11-401 of
9 this Code or a similar provision of a local ordinance
10 relating to the offense of leaving the scene of a motor
11 vehicle accident involving personal injury or death; or

12 (3) a violation of Section 9-3 of the Criminal Code of
13 1961, as amended, relating to the offense of reckless
14 homicide; or

15 (4) a statutory summary suspension under Section
16 11-501.1 of this Code.

17 Such sentence of imprisonment or community service shall
18 not be subject to suspension in order to reduce such sentence.

19 (c-1) Except as provided in subsection (d), any person
20 convicted of a second violation of this Section shall be
21 ordered by the court to serve a minimum of 100 hours of
22 community service.

23 (c-2) In addition to other penalties imposed under this
24 Section, the court may impose on any person convicted a fourth
25 time of violating this Section any of the following:

26 (1) Seizure of the license plates of the person's

1 vehicle.

2 (2) Immobilization of the person's vehicle for a period
3 of time to be determined by the court.

4 (d) Any person convicted of a second violation of this
5 Section shall be guilty of a Class 4 felony and shall serve a
6 minimum term of imprisonment of 30 days or 300 hours of
7 community service, as determined by the court, if the
8 revocation or suspension was for a violation of Section 11-401
9 or 11-501 of this Code, or a similar out-of-state offense, or a
10 similar provision of a local ordinance, a violation of Section
11 9-3 of the Criminal Code of 1961, relating to the offense of
12 reckless homicide, or a similar out-of-state offense, or a
13 statutory summary suspension under Section 11-501.1 of this
14 Code.

15 (d-1) Except as provided in subsection (d-2) and subsection
16 (d-3), any person convicted of a third or subsequent violation
17 of this Section shall serve a minimum term of imprisonment of
18 30 days or 300 hours of community service, as determined by the
19 court.

20 (d-2) Any person convicted of a third violation of this
21 Section is guilty of a Class 4 felony and must serve a minimum
22 term of imprisonment of 30 days if the revocation or suspension
23 was for a violation of Section 11-401 or 11-501 of this Code,
24 or a similar out-of-state offense, or a similar provision of a
25 local ordinance, a violation of Section 9-3 of the Criminal
26 Code of 1961, relating to the offense of reckless homicide, or

1 a similar out-of-state offense, or a statutory summary
2 suspension under Section 11-501.1 of this Code.

3 (d-3) Any person convicted of a fourth, fifth, sixth,
4 seventh, eighth, or ninth violation of this Section is guilty
5 of a Class 4 felony and must serve a minimum term of
6 imprisonment of 180 days if the revocation or suspension was
7 for a violation of Section 11-401 or 11-501 of this Code, or a
8 similar out-of-state offense, or a similar provision of a local
9 ordinance, a violation of Section 9-3 of the Criminal Code of
10 1961, relating to the offense of reckless homicide, or a
11 similar out-of-state offense, or a statutory summary
12 suspension under Section 11-501.1 of this Code.

13 (d-4) Any person convicted of a tenth, eleventh, twelfth,
14 thirteenth, or fourteenth violation of this Section is guilty
15 of a Class 3 felony, and is not eligible for probation or
16 conditional discharge, if the revocation or suspension was for
17 a violation of Section 11-401 or 11-501 of this Code, or a
18 similar out-of-state offense, or a similar provision of a local
19 ordinance, a violation of Section 9-3 of the Criminal Code of
20 1961, relating to the offense of reckless homicide, or a
21 similar out-of-state offense, or a statutory summary
22 suspension under Section 11-501.1 of this Code.

23 (d-5) Any person convicted of a fifteenth or subsequent
24 violation of this Section is guilty of a Class 2 felony, and is
25 not eligible for probation or conditional discharge, if the
26 revocation or suspension was for a violation of Section 11-401

1 or 11-501 of this Code, or a similar out-of-state offense, or a
2 similar provision of a local ordinance, a violation of Section
3 9-3 of the Criminal Code of 1961, relating to the offense of
4 reckless homicide, or a similar out-of-state offense, or a
5 statutory summary suspension under Section 11-501.1 of this
6 Code.

7 (e) Any person in violation of this Section who is also in
8 violation of Section 7-601 of this Code relating to mandatory
9 insurance requirements, in addition to other penalties imposed
10 under this Section, shall have his or her motor vehicle
11 immediately impounded by the arresting law enforcement
12 officer. The motor vehicle may be released to any licensed
13 driver upon a showing of proof of insurance for the vehicle
14 that was impounded and the notarized written consent for the
15 release by the vehicle owner.

16 (f) For any prosecution under this Section, a certified
17 copy of the driving abstract of the defendant shall be admitted
18 as proof of any prior conviction.

19 (g) The motor vehicle used in a violation of this Section
20 is subject to seizure and forfeiture as provided in Sections
21 36-1 and 36-2 of the Criminal Code of 1961 if the person's
22 driving privilege was revoked or suspended as a result of a
23 violation listed in paragraph (1), (2), or (3) of subsection
24 (c) of this Section or as a result of a summary suspension as
25 provided in paragraph (4) of subsection (c) of this Section.

26 (Source: P.A. 94-112, eff. 1-1-06.)