



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2295

Introduced 2/14/2008, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-118 from Ch. 95 1/2, par. 6-118
625 ILCS 5/6-206.1 from Ch. 95 1/2, par. 6-206.1

Amends the Illinois Vehicle Code. Sets fees for the issuance of a monitoring device driving permit (MDDP). Provides that an offender who opts out of having an MDDP issued may, during the drug or alcohol-related statutory summary suspension of his or her driving privileges, petition the court for an order directing the Secretary of State to issue an MDDP. Provides that a court shall not direct the Secretary to issue an MDDP if the offender has previously been convicted of aggravated driving under the influence of alcohol, drugs, or intoxicating compounds, involving death. Provides that the \$30 administrative fee paid by the offender when an MDDP is issued shall be deposited into the Monitoring Device Driving Permit Administration Fee Fund. Deletes language providing that the court order directing the issuance of the MDDP shall specify the vehicle in which an ignition interlock device is to be installed. Provides that the MDDP shall be cancelled if the offender is convicted of or placed on court supervision for specified offenses or if the offender attempts to remove the ignition interlock device from his or her vehicle without the Secretary's authorization. Provides that, under specified circumstances, additional violations may result in the extension of the offender's statutory summary suspension or vehicle impoundment or forfeiture. Makes other changes regarding the issuance and cancellation of an MDDP and monitoring services to offenders found to be indigent. Effective January 1, 2009.

LRB095 15369 WGH 45387 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 6-118 and 6-206.1 as follows:

6 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
7 Sec. 6-118. Fees.

8 (a) The fee for licenses and permits under this Article is
9 as follows:

10	Original driver's license	\$10
11	Original or renewal driver's license	
12	issued to 18, 19 and 20 year olds	5
13	All driver's licenses for persons	
14	age 69 through age 80	5
15	All driver's licenses for persons	
16	age 81 through age 86	2
17	All driver's licenses for persons	
18	age 87 or older	0
19	Renewal driver's license (except for	
20	applicants ages 18, 19 and 20 or	
21	age 69 and older)	10
22	Original instruction permit issued to	
23	persons (except those age 69 and older)	

1 who do not hold or have not previously
2 held an Illinois instruction permit or
3 driver's license 20
4 Instruction permit issued to any person
5 holding an Illinois driver's license
6 who wishes a change in classifications,
7 other than at the time of renewal 5
8 Any instruction permit issued to a person
9 age 69 and older 5
10 Instruction permit issued to any person,
11 under age 69, not currently holding a
12 valid Illinois driver's license or
13 instruction permit but who has
14 previously been issued either document
15 in Illinois 10
16 Restricted driving permit 8
17 Monitoring device driving permit 8
18 Duplicate or corrected driver's license
19 or permit 5
20 Duplicate or corrected restricted
21 driving permit 5
22 Duplicate or corrected monitoring
23 device driving permit 5
24 Original or renewal M or L endorsement..... 5
25 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE
26 The fees for commercial driver licenses and permits

1 under Article V shall be as follows:

2 Commercial driver's license:

3 \$6 for the CDLIS/AAMVAnet Fund
 4 (Commercial Driver's License Information
 5 System/American Association of Motor Vehicle
 6 Administrators network Trust Fund);
 7 \$20 for the Motor Carrier Safety Inspection Fund;
 8 \$10 for the driver's license;
 9 and \$24 for the CDL: \$60

10 Renewal commercial driver's license:

11 \$6 for the CDLIS/AAMVAnet Trust Fund;
 12 \$20 for the Motor Carrier Safety Inspection Fund;
 13 \$10 for the driver's license; and
 14 \$24 for the CDL: \$60

15 Commercial driver instruction permit

16 issued to any person holding a valid
 17 Illinois driver's license for the
 18 purpose of changing to a
 19 CDL classification: \$6 for the
 20 CDLIS/AAMVAnet Trust Fund;
 21 \$20 for the Motor Carrier
 22 Safety Inspection Fund; and
 23 \$24 for the CDL classification \$50

24 Commercial driver instruction permit

25 issued to any person holding a valid
 26 Illinois CDL for the purpose of

1 making a change in a classification,
 2 endorsement or restriction \$5
 3 CDL duplicate or corrected license \$5

4 In order to ensure the proper implementation of the Uniform
 5 Commercial Driver License Act, Article V of this Chapter, the
 6 Secretary of State is empowered to pro-rate the \$24 fee for the
 7 commercial driver's license proportionate to the expiration
 8 date of the applicant's Illinois driver's license.

9 The fee for any duplicate license or permit shall be waived
 10 for any person age 60 or older who presents the Secretary of
 11 State's office with a police report showing that his license or
 12 permit was stolen.

13 No additional fee shall be charged for a driver's license,
 14 or for a commercial driver's license, when issued to the holder
 15 of an instruction permit for the same classification or type of
 16 license who becomes eligible for such license.

17 (b) Any person whose license or privilege to operate a
 18 motor vehicle in this State has been suspended or revoked under
 19 Section 3-707, any provision of Chapter 6, Chapter 11, or
 20 Section 7-205, 7-303, or 7-702 of the Family Financial
 21 Responsibility Law of this Code, shall in addition to any other
 22 fees required by this Code, pay a reinstatement fee as follows:

23 Suspension under Section 3-707 \$100
 24 Summary suspension under Section 11-501.1 \$250
 25 Other suspension \$70
 26 Revocation \$500

1 However, any person whose license or privilege to operate a
 2 motor vehicle in this State has been suspended or revoked for a
 3 second or subsequent time for a violation of Section 11-501 or
 4 11-501.1 of this Code or a similar provision of a local
 5 ordinance or a similar out-of-state offense or Section 9-3 of
 6 the Criminal Code of 1961 and each suspension or revocation was
 7 for a violation of Section 11-501 or 11-501.1 of this Code or a
 8 similar provision of a local ordinance or a similar
 9 out-of-state offense or Section 9-3 of the Criminal Code of
 10 1961 shall pay, in addition to any other fees required by this
 11 Code, a reinstatement fee as follows:

- 12 Summary suspension under Section 11-501.1 \$500
- 13 Revocation \$500

14 (c) All fees collected under the provisions of this Chapter
 15 6 shall be paid into the Road Fund in the State Treasury except
 16 as follows:

17 1. The following amounts shall be paid into the Driver
 18 Education Fund:

19 (A) \$16 of the \$20 fee for an original driver's
 20 instruction permit;

21 (B) \$5 of the \$10 fee for an original driver's
 22 license;

23 (C) \$5 of the \$10 fee for a 4 year renewal driver's
 24 license; ~~and~~

25 (D) \$4 of the \$8 fee for a restricted driving
 26 permit; ~~and~~

1 (E) \$4 of the \$8 fee for a monitoring device
2 driving permit.

3 2. \$30 of the \$250 fee for reinstatement of a license
4 summarily suspended under Section 11-501.1 shall be
5 deposited into the Drunk and Drugged Driving Prevention
6 Fund. However, for a person whose license or privilege to
7 operate a motor vehicle in this State has been suspended or
8 revoked for a second or subsequent time for a violation of
9 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
10 the Criminal Code of 1961, \$190 of the \$500 fee for
11 reinstatement of a license summarily suspended under
12 Section 11-501.1, and \$190 of the \$500 fee for
13 reinstatement of a revoked license shall be deposited into
14 the Drunk and Drugged Driving Prevention Fund.

15 3. \$6 of such original or renewal fee for a commercial
16 driver's license and \$6 of the commercial driver
17 instruction permit fee when such permit is issued to any
18 person holding a valid Illinois driver's license, shall be
19 paid into the CDLIS/AAMVAnet Trust Fund.

20 4. \$30 of the \$70 fee for reinstatement of a license
21 suspended under the Family Financial Responsibility Law
22 shall be paid into the Family Responsibility Fund.

23 5. The \$5 fee for each original or renewal M or L
24 endorsement shall be deposited into the Cycle Rider Safety
25 Training Fund.

26 6. \$20 of any original or renewal fee for a commercial

1 driver's license or commercial driver instruction permit
2 shall be paid into the Motor Carrier Safety Inspection
3 Fund.

4 7. The following amounts shall be paid into the General
5 Revenue Fund:

6 (A) \$190 of the \$250 reinstatement fee for a
7 summary suspension under Section 11-501.1;

8 (B) \$40 of the \$70 reinstatement fee for any other
9 suspension provided in subsection (b) of this Section;
10 and

11 (C) \$440 of the \$500 reinstatement fee for a first
12 offense revocation and \$310 of the \$500 reinstatement
13 fee for a second or subsequent revocation.

14 (Source: P.A. 93-32, eff. 1-1-04; 93-788, eff. 1-1-05; 94-1035,
15 eff. 7-1-07.)

16 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

17 Sec. 6-206.1. Monitoring Device Driving Permit.
18 Declaration of Policy. It is hereby declared a policy of the
19 State of Illinois that the driver who is impaired by alcohol,
20 other drug or drugs, or intoxicating compound or compounds is a
21 threat to the public safety and welfare. Therefore, to provide
22 a deterrent to such practice ~~and to remove problem drivers from~~
23 ~~the highway~~, a statutory summary driver's license suspension is
24 appropriate. It is also recognized that driving is a privilege
25 and therefore, that the granting of driving privileges, in a

1 manner consistent with public safety, is warranted during the
2 period of suspension in the form of a monitoring device driving
3 permit. A person who drives and fails to comply with the
4 requirements of the monitoring device driving permit commits a
5 violation of Section 6-303 of this Code.

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

9 (a) Subsequent to a notification of a statutory summary
10 suspension of driving privileges as provided in Section
11 11-501.1, the court, after informing the first offender, as
12 defined in Section 11-500, of his or her right to a monitoring
13 device driving permit, hereinafter referred to as a MDDP, and
14 of the obligations of the MDDP, shall enter an order directing
15 the Secretary of State (hereinafter referred to as the
16 Secretary) to issue a MDDP to the offender, unless the offender
17 has opted, in writing, not to have a MDDP issued. After opting
18 out of having a MDDP issued, at any time during the summary
19 suspension, the offender may petition the court for an order
20 directing the Secretary to issue a MDDP. However, the court
21 shall not enter the order directing the Secretary ~~of State~~ to
22 issue the MDDP, in any instance, if the court finds:

23 (1) The offender's driver's license is otherwise
24 invalid;

25 (2) Death or great bodily harm resulted from the arrest
26 for Section 11-501;

1 (3) That the offender has been previously convicted of
2 reckless homicide or aggravated driving under the
3 influence involving death; or

4 (4) That the offender is less than 18 years of age.

5 Any court order for a MDDP shall order the person to pay
6 the Secretary ~~of State~~ a MDDP Administration Fee in an amount
7 not to exceed \$30 per month, to be deposited into the
8 Monitoring Device Driving Permit Administration Fee Fund. The
9 Secretary shall establish by rule the amount and the
10 procedures, terms, and conditions relating to these fees. The
11 order shall further specify that the offender must have an
12 ignition interlock device installed within 14 days of the date
13 the Secretary issues the MDDP, ~~and shall specify the vehicle in~~
14 ~~which the device is to be installed~~. The ignition interlock
15 device provider must notify the Secretary, in a manner and form
16 prescribed by the Secretary, of the installation. If the
17 Secretary does not receive notice of installation, the
18 Secretary shall cancel the MDDP.

19 A MDDP shall not become effective prior to the 31st day of the
20 original statutory summary suspension.

21 (a-1) A person issued a MDDP may drive for any purpose and
22 at any time, subject to the rules adopted by the Secretary ~~of~~
23 ~~State~~ under subsection (g). The person must, at his or her own
24 expense, drive only vehicles equipped with an ignition
25 interlock device as defined in Section 1-129.1, but in no event
26 shall such person drive a commercial motor vehicle.

1 (a-2) Persons who are issued a MDDP and must drive
2 employer-owned vehicles in the course of their employment
3 duties may seek permission ~~from the court~~ to drive an
4 employer-owned vehicle that does not have an ignition interlock
5 device. The employer ~~employee~~ shall provide to the Secretary
6 ~~court~~ a form, as prescribed by the Secretary ~~of State~~,
7 completed by the employer verifying that the employee must
8 drive an employer-owned vehicle in the course of employment. If
9 approved by the Secretary ~~court~~, the form ~~must be file stamped~~
10 ~~and~~ must be in the driver's possession while operating an
11 employer-owner vehicle not equipped with an ignition interlock
12 device. No person may use this exemption to drive a school bus,
13 school vehicle, or a vehicle designed to transport more than 15
14 passengers. No person may use this exemption to drive an
15 employer-owned motor vehicle that is owned by an entity that is
16 wholly or partially owned by the person holding the MDDP, or by
17 a family member of the person holding the MDDP. No person may
18 use this exemption to drive an employer-owned vehicle that is
19 made available to the employee for personal use. No person may
20 drive the exempted vehicle more than 12 hours per day, 6 days
21 per week.

22 (b) (Blank).

23 (c) (Blank).

24 (c-1) If the holder of the MDDP is convicted of or receives
25 court supervision for a violation of Section 6-206.2, 6-303,
26 11-204, 11-401, 11-501, 11-503, 11-506 or a similar provision

1 of a local ordinance or a similar out of state offense or is
2 convicted of or receives court supervision for any offense for
3 which alcohol or drugs is an element of the offense and in
4 which a motor vehicle was involved (for an arrest other than
5 the one for which the MDDP is issued), or de-installs the BAIID
6 without prior authorization from the Secretary, the MDDP shall
7 be cancelled. ~~If the person is issued a citation for a~~
8 ~~violation of Section 6 303 or a violation of Section 11 501 or~~
9 ~~a similar provision of a local ordinance or a similar out of~~
10 ~~state offense during the term of the MDDP, the officer issuing~~
11 ~~the citation, or the law enforcement agency employing that~~
12 ~~officer, shall confiscate the MDDP and immediately send the~~
13 ~~MDDP and notice of the citation to the court that ordered the~~
14 ~~issuance of the MDDP. Within 10 days of receipt, the issuing~~
15 ~~court, upon notice to the person, shall conduct a hearing to~~
16 ~~consider cancellation of the MDDP. If the court enters an order~~
17 ~~of cancellation, the court shall forward the order to the~~
18 ~~Secretary of State, and the Secretary shall cancel the MDDP and~~
19 ~~notify the person of the cancellation. If, however, the person~~
20 ~~is convicted of the offense before the MDDP has been cancelled,~~
21 ~~the court of venue shall send notice of conviction to the court~~
22 ~~that ordered issuance of the MDDP. The court receiving the~~
23 ~~notice shall immediately enter an order of cancellation and~~
24 ~~forward the order to the Secretary of State. The Secretary~~
25 ~~shall cancel the MDDP and notify the person of the~~
26 ~~cancellation.~~

1 ~~If the person is issued a citation for any other traffic~~
2 ~~related offense during the term of the MDDP, the officer~~
3 ~~issuing the citation, or the law enforcement agency employing~~
4 ~~that officer, shall send notice of the citation to the court~~
5 ~~that ordered issuance of the MDDP. Upon receipt and notice to~~
6 ~~the person and an opportunity for a hearing, the court shall~~
7 ~~determine whether the violation constitutes grounds for~~
8 ~~cancellation of the MDDP. If the court enters an order of~~
9 ~~cancellation, the court shall forward the order to the~~
10 ~~Secretary of State, and the Secretary shall cancel the MDDP and~~
11 ~~shall notify the person of the cancellation.~~

12 (c-5) If the court determines that the person seeking the
13 MDDP is indigent, the court shall provide the person with a
14 written document, in a form prescribed by the Secretary ~~of~~
15 ~~State~~, as evidence of that determination, and the person shall
16 provide that written document to an ignition interlock device
17 provider. The provider shall install an ignition interlock
18 device on that person's vehicle without charge to the person,
19 and seek reimbursement from the Indigent BAIID Fund. If the
20 court has deemed an offender indigent, the BAIID provider shall
21 also provide the normal monthly monitoring services and the
22 de-installation without charge to the offender and seek
23 reimbursement from the Indigent BAIID Fund. Any other monetary
24 charges, such as a lockout fee or reset fee, shall be the
25 responsibility of the MDDP holder. A BAIID provider may not
26 seek a security deposit from the Indigent BAIID Fund. The court

1 shall also forward a copy of the indigent determination to the
2 Secretary, in a manner and form as prescribed by the Secretary.

3 (d) The Secretary ~~of State~~ shall, upon receiving a court
4 order ~~from the court of venue~~, issue a MDDP to a person who
5 applies for a MDDP under this Section. Such court order ~~form~~
6 shall ~~also contain a notification, which shall be sent to the~~
7 ~~Secretary of State, providing~~ the name, driver's license
8 number, and legal address of the applicant. This information
9 shall be available only to the courts, police officers, and the
10 Secretary ~~of State~~, except during the actual period the MDDP is
11 valid, during which time it shall be a public record. The
12 Secretary ~~of State~~ shall design and furnish to the courts an
13 official court order form to be used by the courts when
14 directing the Secretary ~~of State~~ to issue a MDDP.

15 Any submitted court order that contains insufficient data
16 or fails to comply with this Code shall not be utilized for
17 MDDP issuance or entered to the driver record but shall be
18 returned to the issuing court indicating why the MDDP cannot be
19 so entered. A notice of this action shall also be sent to the
20 MDDP applicant by the Secretary ~~of State~~.

21 (e) (Blank).

22 (f) (Blank).

23 (g) The Secretary ~~of State~~ shall adopt rules for
24 implementing this Section. The rules adopted shall address
25 issues including, but not limited to: compliance with the
26 requirements of the MDDP; methods for determining compliance

1 with those requirements; the consequences of noncompliance
2 with those requirements; what constitutes a violation of the
3 MDDP; and the duties of a person or entity that supplies the
4 ignition interlock device.

5 (h) The rules adopted under subsection (g) shall provide,
6 at a minimum, that the person is not in compliance with the
7 requirements of the MDDP if he or she:

8 (1) tampers or attempts to tamper with or circumvent
9 the proper operation of the ignition interlock device;

10 (2) provides valid breath samples that register blood
11 alcohol levels in excess of the number of times allowed
12 under the rules;

13 (3) fails to provide evidence sufficient to satisfy the
14 Secretary that the ignition interlock device has been
15 installed in the designated vehicle or vehicles; or

16 (4) fails to follow any other applicable rules adopted
17 by the Secretary.

18 (i) Any person or entity that supplies an ignition
19 interlock device as provided under this Section shall, in
20 addition to supplying only those devices which fully comply
21 with all the rules adopted under subsection (g), provide the
22 Secretary, within 7 days of inspection, all monitoring reports
23 of each person who has had an ignition interlock device
24 installed. These reports shall be furnished in a manner or form
25 as prescribed by the Secretary.

26 (j) Upon making a determination that a violation of the

1 requirements of the MDDP has occurred, the Secretary shall
2 extend the summary suspension period for an additional 3 months
3 beyond the originally imposed summary suspension period,
4 during which time the person shall only be allowed to drive
5 vehicles equipped with an ignition interlock device; provided
6 further there are no limitations on the total number of times
7 the summary suspension may be extended. The Secretary may,
8 however, limit the number of extensions imposed for violations
9 occurring during any one monitoring period, as set forth by
10 rule. Any person whose summary suspension is extended pursuant
11 to this Section shall have the right to contest the extension
12 through a ~~an~~ administrative hearing with the Secretary,
13 pursuant to Section 2-118 of this Code. If the summary
14 suspension has already terminated prior to the Secretary
15 receiving the monitoring report that shows a violation, the
16 Secretary shall be authorized to suspend the person's driving
17 privileges for 3 months, provided that the Secretary may, by
18 rule, limit the number of suspensions to be entered pursuant to
19 this paragraph for violations occurring during any one
20 monitoring period. Any person whose license is suspended
21 pursuant to this paragraph, after the summary suspension had
22 already terminated, shall have the right to contest the
23 suspension through a hearing with the Secretary, pursuant to
24 Section 2-118 of this Code. The only permit the person shall be
25 eligible for during this new suspension period is a MDDP.

26 (k) A person who has had his or her summary suspension

1 extended for the third time, or has any combination of 3
2 extensions and new suspensions, entered as a result of a
3 violation that occurred while holding the MDDP, so long as the
4 extensions and new suspensions relate to the same summary
5 suspension, shall have his or her vehicle impounded for a
6 period of 30 days, at the person's own expense. A person who
7 has his or her summary suspension extended for the fourth time, or
8 has any combination of 4 extensions and new suspensions,
9 entered as a result of a violation that occurred while holding
10 the MDDP, so long as the extensions and new suspensions relate
11 to the same summary suspension, shall have his or her vehicle
12 subject to seizure and forfeiture. The Secretary shall notify
13 the prosecuting authority of any third or fourth extensions or
14 new suspension entered as a result of a violation that occurred
15 while the person held a MDDP. Upon receipt of the notification,
16 the prosecuting authority shall impound or forfeit the vehicle.

17 (1) A person whose driving privileges have been suspended
18 under Section 11-501.1 of this Code and who had a MDDP that was
19 cancelled pursuant to subsection (c-1) of this Section, shall
20 not be eligible for reinstatement when the summary suspension
21 is scheduled to terminate, but instead shall be eligible only
22 to apply for a restricted driving permit. If a restricted
23 driving permit is granted, the offender may only operate
24 vehicles equipped with an ignition interlock device, for a
25 period of not less than twice the original summary suspension
26 period, or for the length of any extensions entered under

1 subsection (j), whichever is longer.

2 (m) Any person or entity that supplies an ignition
3 interlock device under this Section shall, for each ignition
4 interlock device installed, pay 5% of the total gross revenue
5 received for the device, including monthly monitoring fees,
6 into the Indigent BAIID Fund. This 5% shall be clearly
7 indicated as a separate surcharge on each invoice that is
8 issued. The Secretary shall conduct an annual review of the
9 fund to determine whether the surcharge is sufficient to
10 provide for indigent users. The Secretary may increase or
11 decrease this surcharge requirement as needed.

12 (n) Any person or entity that supplies an ignition
13 interlock device under this Section that is requested to
14 provide an ignition interlock device to a person who presents
15 written documentation of indigency from the court, as provided
16 in subsection (c-5) of this Section, shall install the device
17 on the person's vehicle without charge to the person and shall
18 seek reimbursement from the Indigent BAIID Fund.

19 (o) The Indigent BAIID Fund is created as a special fund in
20 the State treasury. The Secretary ~~of State~~ shall, subject to
21 appropriation by the General Assembly, use all money in the
22 Indigent BAIID Fund to reimburse ignition interlock device
23 providers who have installed devices in vehicles of indigent
24 persons pursuant to court orders issued under this Section. The
25 Secretary shall make payments to such providers every 3 months.
26 If the amount of money in the fund at the time payments are

1 made is not sufficient to pay all requests for reimbursement
2 submitted during that 3 month period, the Secretary shall make
3 payments on a pro-rata basis, and those payments shall be
4 considered payment in full for the requests submitted.

5 (p) The Monitoring Device Driving Permit Administration
6 Fee Fund is created as a special fund in the State treasury.
7 The Secretary ~~of State~~ shall, subject to appropriation by the
8 General Assembly, use the money paid into this fund to offset
9 its administrative costs for administering MDDPs.

10 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
11 94-930, eff. 6-26-06; 95-400, eff. 1-1-09; 95-578, eff. 1-1-09;
12 revised 11-16-07.)

13 Section 99. Effective date. This Act takes effect January
14 1, 2009.