



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0931

Introduced 2/10/2009, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

| | |
|------------------|-----------------------------|
| 625 ILCS 5/6-507 | from Ch. 95 1/2, par. 6-507 |
| 625 ILCS 5/6-514 | from Ch. 95 1/2, par. 6-514 |
| 625 ILCS 5/6-524 | from Ch. 95 1/2, par. 6-524 |

Amends the Illinois Vehicle Code. Provides that no person may drive a commercial motor vehicle on a highway if such person's driving privilege, license, or permit is, among other things, subject to, or in violation of, a "driver or vehicle out of service order" (rather than "out of service order") while operating a vehicle designed to transport "16 or more passengers" (rather than "passengers"), including the driver, or while transporting "hazardous materials required to be placarded" (rather than "hazardous materials"). Exempts the drivers of commercial motor vehicles used primarily in the transportation of propane winter heating fuel and the drivers of motor vehicles used to respond to pipeline emergencies from the commercial driver's license requirements, but only if such requirements would prevent the driver from responding to an emergency condition requiring immediate response, as defined by federal regulation. Disqualifies a person from driving a commercial motor vehicle if that person has been convicted more than once of violating certain combinations of provisions related to out-of-service orders. Increases the minimum and maximum penalties for certain violations of the Uniform Commercial Driver's License Act.

LRB096 08629 AJT 18752 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 6-507, 6-514, and 6-524 as follows:

6 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

7 Sec. 6-507. Commercial Driver's License (CDL) Required.

8 (a) Except as expressly permitted by this UCDLA, or when
9 driving pursuant to the issuance of a commercial driver
10 instruction permit and accompanied by the holder of a CDL valid
11 for the vehicle being driven; no person shall drive a
12 commercial motor vehicle on the highways without:

13 (1) a CDL in the driver's possession;

14 (2) having obtained a CDL; or

15 (3) the proper class of CDL or endorsements or both for
16 the specific vehicle group being operated or for the
17 passengers or type of cargo being transported.

18 (b) Except as otherwise provided by this Code, no person
19 may drive a commercial motor vehicle on the highways while such
20 person's driving privilege, license, or permit is:

21 (1) Suspended, revoked, cancelled, or subject to
22 disqualification. Any person convicted of violating this
23 provision or a similar provision of this or any other state

1 shall have their driving privileges revoked under
2 paragraph 12 of subsection (a) of Section 6-205 of this
3 Code.

4 (2) Subject to or in violation of an "out-of-service"
5 order. Any person who has been issued a CDL and is
6 convicted of violating this provision or a similar
7 provision of any other state shall be disqualified from
8 operating a commercial motor vehicle under subsection (i)
9 of Section 6-514 of this Code.

10 (3) Subject to or in violation of a driver or vehicle
11 ~~an~~ "out of service" order while operating a vehicle
12 designed to transport 16 or more ~~and while transporting~~
13 passengers, including the driver, or transporting
14 hazardous materials required to be placarded. Any person
15 who has been issued a CDL and is convicted of violating
16 this provision or a similar provision of this or any other
17 state shall be disqualified from operating a commercial
18 motor vehicle under subsection (i) of Section 6-514 of this
19 Code.

20 (b-3) Except as otherwise provided by this Code, no person
21 may drive a commercial motor vehicle on the highways during a
22 period which the commercial motor vehicle or the motor carrier
23 operation is subject to an "out-of-service" order. Any person
24 who is convicted of violating this provision or a similar
25 provision of any other state shall be disqualified from
26 operating a commercial motor vehicle under subsection (i) of

1 Section 6-514 of this Code.

2 (b-5) Except as otherwise provided by this Code, no person
3 may transport passengers or hazardous materials during a period
4 in which the commercial motor vehicle or the motor carrier
5 operation is subject to an "out-of-service" order. Any person
6 who is convicted of violating this provision or a similar
7 provision of any other state shall be disqualified from
8 operating a commercial motor vehicle under subsection (i) of
9 Section 6-514 of this Code.

10 (c) Pursuant to the options provided to the States by FHWA
11 Docket No. MC-88-8, the driver of any motor vehicle controlled
12 or operated by or for a farmer is waived from the requirements
13 of this Section, when such motor vehicle is being used to
14 transport: agricultural products; implements of husbandry; or
15 farm supplies; to and from a farm, as long as such movement is
16 not over 150 air miles from the originating farm. This waiver
17 does not apply to the driver of any motor vehicle being used in
18 a common or contract carrier type operation. However, for those
19 drivers of any truck-tractor semitrailer combination or
20 combinations registered under subsection (c) of Section 3-815
21 of this Code, this waiver shall apply only when the driver is a
22 farmer or a member of the farmer's family and the driver is 21
23 years of age or more and has successfully completed any tests
24 the Secretary of State deems necessary.

25 In addition, the farmer or a member of the farmer's family
26 who operates a truck-tractor semitrailer combination or

1 combinations pursuant to this waiver shall be granted all of
2 the rights and shall be subject to all of the duties and
3 restrictions with respect to Sections 6-514 and 6-515 of this
4 Code applicable to the driver who possesses a commercial
5 driver's license issued under this Code, except that the driver
6 shall not be subject to any additional duties or restrictions
7 contained in Part 382 of the Federal Motor Carrier Safety
8 Regulations that are not otherwise imposed under Section 6-514
9 or 6-515 of this Code.

10 For purposes of this subsection (c), a member of the
11 farmer's family is a natural or in-law spouse, child, parent,
12 or sibling.

13 (c-5) An employee of a township or road district with a
14 population of less than 3,000 operating a vehicle within the
15 boundaries of the township or road district for the purpose of
16 removing snow or ice from a roadway by plowing, sanding, or
17 salting is waived from the requirements of this Section when
18 the employee is needed to operate the vehicle because the
19 employee of the township or road district who ordinarily
20 operates the vehicle and who has a commercial driver's license
21 is unable to operate the vehicle or is in need of additional
22 assistance due to a snow emergency.

23 (c-10) A driver of a commercial motor vehicle used
24 primarily in the transportation of propane winter heating fuel
25 or a driver of a motor vehicle used to respond to a pipeline
26 emergency is waived from the requirements of this Section if

1 such requirements would prevent the driver from responding to
2 an emergency condition requiring immediate response as defined
3 in 49 C.F.R. Part 390.5.

4 (d) Any person convicted of violating this Section, shall
5 be guilty of a Class A misdemeanor.

6 (e) Any person convicted of violating paragraph (1) of
7 subsection (b) of this Section, shall have all driving
8 privileges revoked by the Secretary of State.

9 (f) This Section shall not apply to:

10 (1) A person who currently holds a valid Illinois
11 driver's license, for the type of vehicle being operated,
12 until the expiration of such license or April 1, 1992,
13 whichever is earlier; or

14 (2) A non-Illinois domiciliary who is properly
15 licensed in another State, until April 1, 1992. A
16 non-Illinois domiciliary, if such domiciliary is properly
17 licensed in another State or foreign jurisdiction, until
18 April 1, 1992.

19 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
20 95-382, eff. 8-23-07.)

21 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

22 Sec. 6-514. Commercial Driver's License (CDL) -
23 Disqualifications.

24 (a) A person shall be disqualified from driving a
25 commercial motor vehicle for a period of not less than 12

1 months for the first violation of:

2 (1) Refusing to submit to or failure to complete a test
3 or tests to determine the driver's blood concentration of
4 alcohol, other drug, or both, while driving a commercial
5 motor vehicle or, if the driver is a CDL holder, while
6 driving a non-CMV; or

7 (2) Operating a commercial motor vehicle while the
8 alcohol concentration of the person's blood, breath or
9 urine is at least 0.04, or any amount of a drug, substance,
10 or compound in the person's blood or urine resulting from
11 the unlawful use or consumption of cannabis listed in the
12 Cannabis Control Act, a controlled substance listed in the
13 Illinois Controlled Substances Act, or methamphetamine as
14 listed in the Methamphetamine Control and Community
15 Protection Act as indicated by a police officer's sworn
16 report or other verified evidence; or operating a
17 non-commercial motor vehicle while the alcohol
18 concentration of the person's blood, breath, or urine was
19 above the legal limit defined in Section 11-501.1 or
20 11-501.8 or any amount of a drug, substance, or compound in
21 the person's blood or urine resulting from the unlawful use
22 or consumption of cannabis listed in the Cannabis Control
23 Act, a controlled substance listed in the Illinois
24 Controlled Substances Act, or methamphetamine as listed in
25 the Methamphetamine Control and Community Protection Act
26 as indicated by a police officer's sworn report or other

1 verified evidence while holding a commercial driver's
2 license; or

3 (3) Conviction for a first violation of:

4 (i) Driving a commercial motor vehicle or, if the
5 driver is a CDL holder, driving a non-CMV while under
6 the influence of alcohol, or any other drug, or
7 combination of drugs to a degree which renders such
8 person incapable of safely driving; or

9 (ii) Knowingly and wilfully leaving the scene of an
10 accident while operating a commercial motor vehicle
11 or, if the driver is a CDL holder, while driving a
12 non-CMV; or

13 (iii) Driving a commercial motor vehicle or, if the
14 driver is a CDL holder, driving a non-CMV while
15 committing any felony; or

16 (iv) Driving a commercial motor vehicle while the
17 person's driving privileges or driver's license or
18 permit is revoked, suspended, or cancelled or the
19 driver is disqualified from operating a commercial
20 motor vehicle; or

21 (v) Causing a fatality through the negligent
22 operation of a commercial motor vehicle, including but
23 not limited to the crimes of motor vehicle
24 manslaughter, homicide by a motor vehicle, and
25 negligent homicide.

26 As used in this subdivision (a) (3) (v), "motor

1 vehicle manslaughter" means the offense of involuntary
2 manslaughter if committed by means of a vehicle;
3 "homicide by a motor vehicle" means the offense of
4 first degree murder or second degree murder, if either
5 offense is committed by means of a vehicle; and
6 "negligent homicide" means reckless homicide under
7 Section 9-3 of the Criminal Code of 1961 and aggravated
8 driving under the influence of alcohol, other drug or
9 drugs, intoxicating compound or compounds, or any
10 combination thereof under subdivision (d)(1)(F) of
11 Section 11-501 of this Code.

12 If any of the above violations or refusals occurred
13 while transporting hazardous material(s) required to be
14 placarded, the person shall be disqualified for a period of
15 not less than 3 years.

16 (b) A person is disqualified for life for a second
17 conviction of any of the offenses specified in paragraph (a),
18 or any combination of those offenses, arising from 2 or more
19 separate incidents.

20 (c) A person is disqualified from driving a commercial
21 motor vehicle for life if the person either (i) uses a
22 commercial motor vehicle in the commission of any felony
23 involving the manufacture, distribution, or dispensing of a
24 controlled substance, or possession with intent to
25 manufacture, distribute or dispense a controlled substance or
26 (ii) if the person is a CDL holder, uses a non-CMV in the

1 commission of a felony involving any of those activities.

2 (d) The Secretary of State may, when the United States
3 Secretary of Transportation so authorizes, issue regulations
4 in which a disqualification for life under paragraph (b) may be
5 reduced to a period of not less than 10 years. If a reinstated
6 driver is subsequently convicted of another disqualifying
7 offense, as specified in subsection (a) of this Section, he or
8 she shall be permanently disqualified for life and shall be
9 ineligible to again apply for a reduction of the lifetime
10 disqualification.

11 (e) A person is disqualified from driving a commercial
12 motor vehicle for a period of not less than 2 months if
13 convicted of 2 serious traffic violations, committed in a
14 commercial motor vehicle, arising from separate incidents,
15 occurring within a 3 year period. However, a person will be
16 disqualified from driving a commercial motor vehicle for a
17 period of not less than 4 months if convicted of 3 serious
18 traffic violations, committed in a commercial motor vehicle,
19 arising from separate incidents, occurring within a 3 year
20 period.

21 (e-1) A person is disqualified from driving a commercial
22 motor vehicle for a period of not less than 2 months if
23 convicted of 2 serious traffic violations committed in a
24 non-CMV while holding a CDL, arising from separate incidents,
25 occurring within a 3 year period, if the convictions would
26 result in the suspension or revocation of the CDL holder's

1 non-CMV privileges. A person shall be disqualified from driving
2 a commercial motor vehicle for a period of not less than 4
3 months, however, if he or she is convicted of 3 or more serious
4 traffic violations committed in a non-CMV while holding a CDL,
5 arising from separate incidents, occurring within a 3 year
6 period, if the convictions would result in the suspension or
7 revocation of the CDL holder's non-CMV privileges.

8 (f) Notwithstanding any other provision of this Code, any
9 driver disqualified from operating a commercial motor vehicle,
10 pursuant to this UCDLA, shall not be eligible for restoration
11 of commercial driving privileges during any such period of
12 disqualification.

13 (g) After suspending, revoking, or cancelling a commercial
14 driver's license, the Secretary of State must update the
15 driver's records to reflect such action within 10 days. After
16 suspending or revoking the driving privilege of any person who
17 has been issued a CDL or commercial driver instruction permit
18 from another jurisdiction, the Secretary shall originate
19 notification to such issuing jurisdiction within 10 days.

20 (h) The "disqualifications" referred to in this Section
21 shall not be imposed upon any commercial motor vehicle driver,
22 by the Secretary of State, unless the prohibited action(s)
23 occurred after March 31, 1992.

24 (i) A person is disqualified from driving a commercial
25 motor vehicle in accordance with the following:

26 (1) For 6 months upon a first conviction of paragraph

1 (2) of subsection (b) or subsection (b-3) of Section 6-507
2 of this Code.

3 (2) For 2 years ~~one year~~ upon a second conviction of
4 paragraph (2) of subsection (b) or subsection (b-3) or any
5 combination of paragraphs (2) or (3) of subsection (b) or
6 subsections (b-3) or (b-5) of Section 6-507 of this Code
7 within a 10-year period if the second conviction is a
8 violation of paragraph (2) of subsection (b) or subsection
9 (b-3).

10 (3) For 3 years upon a third or subsequent conviction
11 of paragraph (2) of subsection (b) or subsection (b-3) or
12 any combination of paragraphs (2) or (3) of subsection (b)
13 or subsections (b-3) or (b-5) of Section 6-507 of this Code
14 within a 10-year period if the third or subsequent
15 conviction is a violation of paragraph (2) of subsection
16 (b) or subsection (b-3).

17 (4) For one year upon a first conviction of paragraph
18 (3) of subsection (b) or subsection (b-5) of Section 6-507
19 of this Code.

20 (5) For 3 years upon a second conviction of paragraph
21 (3) of subsection (b) or subsection (b-5) or any
22 combination of paragraphs (2) or (3) of subsection (b) or
23 subsections (b-3) or (b-5) of Section 6-507 of this Code
24 within a 10-year period if the second conviction is a
25 violation of paragraph (3) of subsection (b) or (b-5).

26 (6) For 5 years upon a third or subsequent conviction

1 of paragraph (3) of subsection (b) or subsection (b-5) or
2 any combination of paragraphs (2) or (3) of subsection (b)
3 or subsections (b-3) or (b-5) of Section 6-507 of this Code
4 within a 10-year period if the third or subsequent
5 conviction is a violation of paragraph (3) of subsection
6 (b) or (b-5).

7 (j) Disqualification for railroad-highway grade crossing
8 violation.

9 (1) General rule. A driver who is convicted of a
10 violation of a federal, State, or local law or regulation
11 pertaining to one of the following 6 offenses at a
12 railroad-highway grade crossing must be disqualified from
13 operating a commercial motor vehicle for the period of time
14 specified in paragraph (2) of this subsection (j) if the
15 offense was committed while operating a commercial motor
16 vehicle:

17 (i) For drivers who are not required to always
18 stop, failing to slow down and check that the tracks
19 are clear of an approaching train, as described in
20 subsection (a-5) of Section 11-1201 of this Code;

21 (ii) For drivers who are not required to always
22 stop, failing to stop before reaching the crossing, if
23 the tracks are not clear, as described in subsection
24 (a) of Section 11-1201 of this Code;

25 (iii) For drivers who are always required to stop,
26 failing to stop before driving onto the crossing, as

1 described in Section 11-1202 of this Code;

2 (iv) For all drivers, failing to have sufficient
3 space to drive completely through the crossing without
4 stopping, as described in subsection (b) of Section
5 11-1425 of this Code;

6 (v) For all drivers, failing to obey a traffic
7 control device or the directions of an enforcement
8 official at the crossing, as described in subdivision
9 (a)2 of Section 11-1201 of this Code;

10 (vi) For all drivers, failing to negotiate a
11 crossing because of insufficient undercarriage
12 clearance, as described in subsection (d-1) of Section
13 11-1201 of this Code.

14 (2) Duration of disqualification for railroad-highway
15 grade crossing violation.

16 (i) First violation. A driver must be disqualified
17 from operating a commercial motor vehicle for not less
18 than 60 days if the driver is convicted of a violation
19 described in paragraph (1) of this subsection (j) and,
20 in the three-year period preceding the conviction, the
21 driver had no convictions for a violation described in
22 paragraph (1) of this subsection (j).

23 (ii) Second violation. A driver must be
24 disqualified from operating a commercial motor vehicle
25 for not less than 120 days if the driver is convicted
26 of a violation described in paragraph (1) of this

1 subsection (j) and, in the three-year period preceding
2 the conviction, the driver had one other conviction for
3 a violation described in paragraph (1) of this
4 subsection (j) that was committed in a separate
5 incident.

6 (iii) Third or subsequent violation. A driver must
7 be disqualified from operating a commercial motor
8 vehicle for not less than one year if the driver is
9 convicted of a violation described in paragraph (1) of
10 this subsection (j) and, in the three-year period
11 preceding the conviction, the driver had 2 or more
12 other convictions for violations described in
13 paragraph (1) of this subsection (j) that were
14 committed in separate incidents.

15 (k) Upon notification of a disqualification of a driver's
16 commercial motor vehicle privileges imposed by the U.S.
17 Department of Transportation, Federal Motor Carrier Safety
18 Administration, in accordance with 49 C.F.R. 383.52, the
19 Secretary of State shall immediately record to the driving
20 record the notice of disqualification and confirm to the driver
21 the action that has been taken.

22 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
23 95-382, eff. 8-23-07.)

24 (625 ILCS 5/6-524) (from Ch. 95 1/2, par. 6-524)

25 Sec. 6-524. Penalties.

1 (a) Every person convicted of violating any provision of
2 this UCCLA for which another penalty is not provided shall for
3 a first offense be guilty of a petty offense; and for a second
4 conviction for any offense committed within 3 years of any
5 previous offense, shall be guilty of a Class B misdemeanor.

6 (b) Any person convicted of violating subsection (b) of
7 Section 6-506 of this Code shall be subject to a civil penalty
8 of not more than \$25,000 ~~\$10,000~~.

9 (c) Any person or employer convicted of violating paragraph
10 (5) of subsection (a) or subsection (b-3) or (b-5) of Section
11 6-506 shall be subject to a civil penalty of not less than
12 \$2,750 nor more than \$25,000 ~~\$11,000~~.

13 (d) Any person convicted of violating paragraph (2) or (3)
14 of subsection (b) or subsection (b-3) or (b-5) of Section 6-507
15 shall be subject to a civil penalty of not less than \$2,750
16 ~~\$1,100~~ nor more than \$25,000 ~~\$2,750~~.

17 (Source: P.A. 95-382, eff. 8-23-07.)