

HB3320



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3320

Introduced 2/24/2009, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-514

from Ch. 95 1/2, par. 6-514

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning commercial driver's licenses.

LRB096 05923 AJT 16004 b

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 Section 6-514 as follows:

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

7 Sec. 6-514. Commercial Driver's License (CDL) -
8 Disqualifications.

9 (a) A person shall be disqualified from driving a
10 commercial motor vehicle for a period of not less than 12
11 months for the ~~the~~ first violation of:

12 (1) Refusing to submit to or failure to complete a test
13 or tests to determine the driver's blood concentration of
14 alcohol, other drug, or both, while driving a commercial
15 motor vehicle or, if the driver is a CDL holder, while
16 driving a non-CMV; or

17 (2) Operating a commercial motor vehicle while the
18 alcohol concentration of the person's blood, breath or
19 urine is at least 0.04, or any amount of a drug, substance,
20 or compound in the person's blood or urine resulting from
21 the unlawful use or consumption of cannabis listed in the
22 Cannabis Control Act, a controlled substance listed in the
23 Illinois Controlled Substances Act, or methamphetamine as

1 listed in the Methamphetamine Control and Community
2 Protection Act as indicated by a police officer's sworn
3 report or other verified evidence; or operating a
4 non-commercial motor vehicle while the alcohol
5 concentration of the person's blood, breath, or urine was
6 above the legal limit defined in Section 11-501.1 or
7 11-501.8 or any amount of a drug, substance, or compound in
8 the person's blood or urine resulting from the unlawful use
9 or consumption of cannabis listed in the Cannabis Control
10 Act, a controlled substance listed in the Illinois
11 Controlled Substances Act, or methamphetamine as listed in
12 the Methamphetamine Control and Community Protection Act
13 as indicated by a police officer's sworn report or other
14 verified evidence while holding a commercial driver's
15 license; or

16 (3) Conviction for a first violation of:

17 (i) Driving a commercial motor vehicle or, if the
18 driver is a CDL holder, driving a non-CMV while under
19 the influence of alcohol, or any other drug, or
20 combination of drugs to a degree which renders such
21 person incapable of safely driving; or

22 (ii) Knowingly and wilfully leaving the scene of an
23 accident while operating a commercial motor vehicle
24 or, if the driver is a CDL holder, while driving a
25 non-CMV; or

26 (iii) Driving a commercial motor vehicle or, if the

1 driver is a CDL holder, driving a non-CMV while
2 committing any felony; or

3 (iv) Driving a commercial motor vehicle while the
4 person's driving privileges or driver's license or
5 permit is revoked, suspended, or cancelled or the
6 driver is disqualified from operating a commercial
7 motor vehicle; or

8 (v) Causing a fatality through the negligent
9 operation of a commercial motor vehicle, including but
10 not limited to the crimes of motor vehicle
11 manslaughter, homicide by a motor vehicle, and
12 negligent homicide.

13 As used in this subdivision (a)(3)(v), "motor
14 vehicle manslaughter" means the offense of involuntary
15 manslaughter if committed by means of a vehicle;
16 "homicide by a motor vehicle" means the offense of
17 first degree murder or second degree murder, if either
18 offense is committed by means of a vehicle; and
19 "negligent homicide" means reckless homicide under
20 Section 9-3 of the Criminal Code of 1961 and aggravated
21 driving under the influence of alcohol, other drug or
22 drugs, intoxicating compound or compounds, or any
23 combination thereof under subdivision (d)(1)(F) of
24 Section 11-501 of this Code.

25 If any of the above violations or refusals occurred
26 while transporting hazardous material(s) required to be

1 placarded, the person shall be disqualified for a period of
2 not less than 3 years.

3 (b) A person is disqualified for life for a second
4 conviction of any of the offenses specified in paragraph (a),
5 or any combination of those offenses, arising from 2 or more
6 separate incidents.

7 (c) A person is disqualified from driving a commercial
8 motor vehicle for life if the person either (i) uses a
9 commercial motor vehicle in the commission of any felony
10 involving the manufacture, distribution, or dispensing of a
11 controlled substance, or possession with intent to
12 manufacture, distribute or dispense a controlled substance or
13 (ii) if the person is a CDL holder, uses a non-CMV in the
14 commission of a felony involving any of those activities.

15 (d) The Secretary of State may, when the United States
16 Secretary of Transportation so authorizes, issue regulations
17 in which a disqualification for life under paragraph (b) may be
18 reduced to a period of not less than 10 years. If a reinstated
19 driver is subsequently convicted of another disqualifying
20 offense, as specified in subsection (a) of this Section, he or
21 she shall be permanently disqualified for life and shall be
22 ineligible to again apply for a reduction of the lifetime
23 disqualification.

24 (e) A person is disqualified from driving a commercial
25 motor vehicle for a period of not less than 2 months if
26 convicted of 2 serious traffic violations, committed in a

1 commercial motor vehicle, arising from separate incidents,
2 occurring within a 3 year period. However, a person will be
3 disqualified from driving a commercial motor vehicle for a
4 period of not less than 4 months if convicted of 3 serious
5 traffic violations, committed in a commercial motor vehicle,
6 arising from separate incidents, occurring within a 3 year
7 period.

8 (e-1) A person is disqualified from driving a commercial
9 motor vehicle for a period of not less than 2 months if
10 convicted of 2 serious traffic violations committed in a
11 non-CMV while holding a CDL, arising from separate incidents,
12 occurring within a 3 year period, if the convictions would
13 result in the suspension or revocation of the CDL holder's
14 non-CMV privileges. A person shall be disqualified from driving
15 a commercial motor vehicle for a period of not less than 4
16 months, however, if he or she is convicted of 3 or more serious
17 traffic violations committed in a non-CMV while holding a CDL,
18 arising from separate incidents, occurring within a 3 year
19 period, if the convictions would result in the suspension or
20 revocation of the CDL holder's non-CMV privileges.

21 (f) Notwithstanding any other provision of this Code, any
22 driver disqualified from operating a commercial motor vehicle,
23 pursuant to this UCDLA, shall not be eligible for restoration
24 of commercial driving privileges during any such period of
25 disqualification.

26 (g) After suspending, revoking, or cancelling a commercial

1 driver's license, the Secretary of State must update the
2 driver's records to reflect such action within 10 days. After
3 suspending or revoking the driving privilege of any person who
4 has been issued a CDL or commercial driver instruction permit
5 from another jurisdiction, the Secretary shall originate
6 notification to such issuing jurisdiction within 10 days.

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

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

13 (1) For 6 months upon a first conviction of paragraph
14 (2) of subsection (b) or subsection (b-3) of Section 6-507
15 of this Code.

16 (2) For one year upon a second conviction of paragraph
17 (2) of subsection (b) or subsection (b-3) of Section 6-507
18 of this Code within a 10-year period.

19 (3) For 3 years upon a third or subsequent conviction
20 of paragraph (2) of subsection (b) or subsection (b-3) of
21 Section 6-507 of this Code within a 10-year period.

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

25 (5) For 3 years upon a second conviction of paragraph
26 (3) of subsection (b) or subsection (b-5) of Section 6-507

1 of this Code within a 10-year period.

2 (6) For 5 years upon a third or subsequent conviction
3 of paragraph (3) of subsection (b) or subsection (b-5) of
4 Section 6-507 of this Code within a 10-year period.

5 (j) Disqualification for railroad-highway grade crossing
6 violation.

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

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

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

23 (iii) For drivers who are always required to stop,
24 failing to stop before driving onto the crossing, as
25 described in Section 11-1202 of this Code;

26 (iv) For all drivers, failing to have sufficient

1 space to drive completely through the crossing without
2 stopping, as described in subsection (b) of Section
3 11-1425 of this Code;

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

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

12 (2) Duration of disqualification for railroad-highway
13 grade crossing violation.

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

21 (ii) Second violation. A driver must be
22 disqualified from operating a commercial motor vehicle
23 for not less than 120 days if the driver is convicted
24 of a violation described in paragraph (1) of this
25 subsection (j) and, in the three-year period preceding
26 the conviction, the driver had one other conviction for

1 a violation described in paragraph (1) of this
2 subsection (j) that was committed in a separate
3 incident.

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

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

20 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
21 95-382, eff. 8-23-07.)