



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5645

Introduced 2/9/2010, by Rep. Tom Cross - Dave Winters

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-208.1

from Ch. 95 1/2, par. 6-208.1

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning statutory summary suspensions.

LRB096 18617 RLJ 33999 b

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 6-208.1 as follows:

6 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

7 Sec. 6-208.1. Period of statutory summary alcohol, other
8 drug, or intoxicating compound related suspension.

9 (a) Unless the ~~the~~ statutory summary suspension has been
10 rescinded, any person whose privilege to drive a motor vehicle
11 on the public highways has been summarily suspended, pursuant
12 to Section 11-501.1, shall not be eligible for restoration of
13 the privilege until the expiration of:

14 1. Twelve months from the effective date of the
15 statutory summary suspension for a refusal or failure to
16 complete a test or tests to determine the alcohol, drug, or
17 intoxicating compound concentration, pursuant to Section
18 11-501.1; or

19 2. Six months from the effective date of the statutory
20 summary suspension imposed following the person's
21 submission to a chemical test which disclosed an alcohol
22 concentration of 0.08 or more, or any amount of a drug,
23 substance, or intoxicating compound in such person's

1 breath, blood, or urine resulting from the unlawful use or
2 consumption of cannabis listed in the Cannabis Control Act,
3 a controlled substance listed in the Illinois Controlled
4 Substances Act, an intoxicating compound listed in the Use
5 of Intoxicating Compounds Act, or methamphetamine as
6 listed in the Methamphetamine Control and Community
7 Protection Act, pursuant to Section 11-501.1; or

8 3. Three years from the effective date of the statutory
9 summary suspension for any person other than a first
10 offender who refuses or fails to complete a test or tests
11 to determine the alcohol, drug, or intoxicating compound
12 concentration pursuant to Section 11-501.1; or

13 4. One year from the effective date of the summary
14 suspension imposed for any person other than a first
15 offender following submission to a chemical test which
16 disclosed an alcohol concentration of 0.08 or more pursuant
17 to Section 11-501.1 or any amount of a drug, substance or
18 compound in such person's blood or urine resulting from the
19 unlawful use or consumption of cannabis listed in the
20 Cannabis Control Act, a controlled substance listed in the
21 Illinois Controlled Substances Act, an intoxicating
22 compound listed in the Use of Intoxicating Compounds Act,
23 or methamphetamine as listed in the Methamphetamine
24 Control and Community Protection Act.

25 (b) Following a statutory summary suspension of the
26 privilege to drive a motor vehicle under Section 11-501.1,

1 driving privileges shall be restored unless the person is
2 otherwise suspended, revoked, or cancelled by this Code. If the
3 court has reason to believe that the person's driving privilege
4 should not be restored, the court shall notify the Secretary of
5 State prior to the expiration of the statutory summary
6 suspension so appropriate action may be taken pursuant to this
7 Code.

8 (c) Driving privileges may not be restored until all
9 applicable reinstatement fees, as provided by this Code, have
10 been paid to the Secretary of State and the appropriate entry
11 made to the driver's record.

12 (d) Where a driving privilege has been summarily suspended
13 under Section 11-501.1 and the person is subsequently convicted
14 of violating Section 11-501, or a similar provision of a local
15 ordinance, for the same incident, any period served on
16 statutory summary suspension shall be credited toward the
17 minimum period of revocation of driving privileges imposed
18 pursuant to Section 6-205.

19 (e) Following a statutory summary suspension of driving
20 privileges pursuant to Section 11-501.1, for a first offender,
21 the circuit court shall, unless the offender has opted in
22 writing not to have a monitoring device driving permit issued,
23 order the Secretary of State to issue a monitoring device
24 driving permit as provided in Section 6-206.1. A monitoring
25 device driving permit shall not be effective prior to the 31st
26 day of the statutory summary suspension.

1 (f) (Blank).

2 (g) Following a statutory summary suspension of driving
3 privileges pursuant to Section 11-501.1 where the person was
4 not a first offender, as defined in Section 11-500, the
5 Secretary of State may not issue a restricted driving permit.

6 (h) (Blank).

7 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
8 eff. 8-21-08.)