



Executive Committee

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LRB096 08771 AJT 29569 a

1 AMENDMENT TO SENATE BILL 2248

2 AMENDMENT NO. _____. Amend Senate Bill 2248 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. The General Assembly finds that the use of any
5 motor vehicle, snowmobile or watercraft while under the
6 influence of alcohol or other drugs is inherently dangerous.
7 Further, the General Assembly finds that there is an
8 unacceptable risk to the public safety and welfare that an
9 offender who drives or operates any one of these devices while
10 under the influence will continue to drive or operate another
11 of these devices while under the influence. Further, the
12 General Assembly finds that increased, enhanced, and
13 coordinated legislative, law enforcement, and administrative
14 measures are needed to improve this State's efforts to deter
15 this unlawful activity. Finally, the General Assembly finds
16 that the public safety and welfare can be better served and
17 protected by harmonizing and integrating this State's statutes

1 related to driving, boating, and snowmobiling while under the
2 influence of alcohol and other drugs, and that it is with this
3 intent that this legislation is enacted.

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 1-197.5, 2-118.1, 6-113, 6-203.1, 6-205, 6-206,
6 6-208.1, 6-208.2, 6-303, 6-304.1, 6-514, 11-501, 11-501.01,
7 11-501.1, 11-501.2, 11-501.5, 11-501.6, and 11-501.8 and by
8 adding Sections 1-189.5, 1-225, 1-226, and 6-208.3 as follows:

9 (625 ILCS 5/1-189.5 new)

10 Sec. 1-189.5. Snowmobile. The same meaning ascribed to the
11 term "snowmobile" by Section 1-2.15 of the Snowmobile
12 Registration and Safety Act.

13 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

14 Sec. 1-197.5. Statutory summary ~~alcohol or other drug~~
15 ~~related~~ suspension of driving, snowmobile operating, and
16 watercraft operating ~~driver's~~ privileges. The suspension
17 ~~withdrawal~~ by the Secretary of State or Department of Natural
18 Resources of a person's license or privilege to drive ~~operate~~ a
19 motor vehicle on the public highways, operate a snowmobile, or
20 operate a watercraft for the periods provided in Section
21 6-208.1. Reinstatement after the suspension period shall occur
22 after all appropriate fees have been paid. The bases for this
23 suspension ~~withdrawal~~ of driving, snowmobile operating, and

1 watercraft operating privileges shall be the individual's
2 refusal to submit to or failure to complete a chemical test or
3 tests following an arrest for the offense of driving or
4 operating under the influence of alcohol, other drugs, or
5 intoxicating compounds, or any combination thereof, or
6 submission to such a test or tests indicating an alcohol
7 concentration of 0.08 or more as provided in Section 11-501.1
8 of this Code.

9 (Source: P.A. 96-607, eff. 8-24-09.)

10 (625 ILCS 5/1-225 new)

11 Sec. 1-225. Watercraft. The same meaning ascribed to the
12 term "watercraft" by Section 1-2 of the Boat Registration and
13 Safety Act.

14 (625 ILCS 5/1-226 new)

15 Sec. 1-226. Waters of this State. The same meaning ascribed
16 to the term "waters of this State" by Section 1-2 of the Boat
17 Registration and Safety Act.

18 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

19 Sec. 2-118.1. Opportunity for hearing; statutory summary
20 ~~alcohol or other drug related~~ suspension.

21 (a) A statutory summary suspension of driving, snowmobile
22 operating, and watercraft operating privileges under Section
23 11-501.1 shall not become effective until the person is

1 notified in writing of the impending suspension and informed
2 that he may request a hearing in the circuit court of venue
3 under paragraph (b) of this Section and the statutory summary
4 suspension shall become effective as provided in Section
5 11-501.1.

6 (b) Within 90 days after the notice of statutory summary
7 suspension served under Section 11-501.1, the person may make a
8 written request for a judicial hearing in the circuit court of
9 venue. The request to the circuit court shall state the grounds
10 upon which the person seeks to have the statutory summary
11 suspension rescinded. Within 30 days after receipt of the
12 written request or the first appearance date on the Uniform
13 Traffic Ticket or Illinois Conservation Citation and Complaint
14 issued pursuant to a violation of Section 11-501, or a similar
15 provision of a local ordinance, the hearing shall be conducted
16 by the circuit court having jurisdiction. This judicial
17 hearing, request, or process shall not stay or delay the
18 statutory summary suspension. The hearings shall proceed in the
19 court in the same manner as in other civil proceedings.

20 The hearing may be conducted upon a review of the law
21 enforcement officer's own official reports; provided however,
22 that the person may subpoena the officer. Failure of the
23 officer to answer the subpoena shall be considered grounds for
24 a continuance if in the court's discretion the continuance is
25 appropriate.

26 The scope of the hearing shall be limited to the issues of:

1 1. Whether the person was placed under arrest for an
2 offense as defined in Section 11-501, or a similar
3 provision of a local ordinance, as evidenced by the
4 issuance of a Uniform Traffic Ticket or Illinois
5 Conservation Citation and Complaint, or issued a Uniform
6 Traffic Ticket or Illinois Conservation Citation and
7 Complaint out of state as provided in subsection (a) of
8 Section 11-501.1; and

9 2. Whether the officer had reasonable grounds to
10 believe that the person was driving, operating, or in
11 actual physical control of a (i) motor vehicle upon a
12 highway, (ii) snowmobile in this State, or (iii) watercraft
13 upon the waters of this State while under the influence of
14 alcohol, other drug, or combination of both; and

15 3. Whether the person, after being advised by the
16 officer that the privilege to drive ~~operate~~ a motor
17 vehicle, operate a snowmobile, and operate a watercraft
18 would be suspended if the person refused to submit to and
19 complete the test or tests, did refuse to submit to or
20 complete the test or tests to determine the person's
21 alcohol or drug concentration; or

22 4. Whether the person, after being advised by the
23 officer that the privilege to drive ~~operate~~ a motor
24 vehicle, operate a snowmobile, and operate a watercraft
25 would be suspended if the person submits to a chemical
26 test, or tests, and the test discloses an alcohol

1 concentration of 0.08 or more, or any amount of a drug,
2 substance, or compound in the person's blood or urine
3 resulting from the unlawful use or consumption of cannabis
4 listed in the Cannabis Control Act, a controlled substance
5 listed in the Illinois Controlled Substances Act, an
6 intoxicating compound as listed in the Use of Intoxicating
7 Compounds Act, or methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act, and
9 the person did submit to and complete the test or tests
10 that determined an alcohol concentration of 0.08 or more.

11 Upon the conclusion of the judicial hearing, the circuit
12 court shall sustain or rescind the statutory summary suspension
13 and immediately notify the Secretary of State and the
14 Department of Natural Resources. Reports received by the
15 Secretary of State and the Department of Natural Resources
16 under this Section shall be privileged information and for use
17 only by the courts, police officers, the Department of Natural
18 Resources, and Secretary of State.

19 (Source: P.A. 95-355, eff. 1-1-08.)

20 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

21 Sec. 6-113. Restricted licenses and permits.

22 (a) The Secretary of State upon issuing a drivers license
23 or permit shall have the authority whenever good cause appears
24 to impose restrictions suitable to the licensee's driving
25 ability with respect to the type of, or special mechanical

1 control devices required on, a motor vehicle which the licensee
2 may operate or such other restrictions applicable to the
3 licensee as the Secretary of State may determine to be
4 appropriate to assure the safe operation of a motor vehicle by
5 the licensee.

6 (b) The Secretary of State may either issue a special
7 restricted license or permit or may set forth such restrictions
8 upon the usual license or permit form.

9 (c) The Secretary of State may issue a probationary license
10 to a person whose driving privileges have been suspended
11 pursuant to subsection (d) of this Section or subsections
12 (a) (2), (a) (19) and (a) (20) of Section 6-206 of this Code. This
13 subsection (c) does not apply to any driver required to possess
14 a CDL for the purpose of operating a commercial motor vehicle.
15 The Secretary of State shall promulgate rules pursuant to the
16 Illinois Administrative Procedure Act, setting forth the
17 conditions and criteria for the issuance and cancellation of
18 probationary licenses.

19 (d) The Secretary of State may upon receiving satisfactory
20 evidence of any violation of the restrictions of such license
21 or permit suspend, revoke or cancel the same without
22 preliminary hearing, but the licensee or permittee shall be
23 entitled to a hearing as in the case of a suspension or
24 revocation.

25 (e) It is unlawful for any person to drive ~~operate~~ a motor
26 vehicle in any manner in violation of the restrictions imposed

1 on a restricted license or permit issued to him.

2 (f) Whenever the holder of a restricted driving permit is
3 issued a citation for any of the following offenses including
4 similar local ordinances, the restricted driving permit is
5 immediately invalidated:

6 1. Reckless homicide resulting from the operation of a
7 motor vehicle;

8 2. Violation of Section 11-501 of this Act relating to
9 driving the operation of a motor vehicle, operating a
10 snowmobile, or operating a watercraft while under the
11 influence of alcohol, other drug or drugs, intoxicating
12 compound or compounds, or any combination thereof
13 intoxicating liquor or narcotic drugs;

14 3. Violation of Section 11-401 of this Act relating to
15 the offense of leaving the scene of a traffic accident
16 involving death or injury;

17 4. Violation of Section 11-504 of this Act relating to
18 the offense of drag racing; or

19 5. Violation of Section 11-506 of this Act relating to
20 the offense of street racing.

21 The police officer issuing the citation shall confiscate
22 the restricted driving permit and forward it, along with the
23 citation, to the Clerk of the Circuit Court of the county in
24 which the citation was issued.

25 (g) The Secretary of State may issue a special restricted
26 license for a period of 12 months to individuals using vision

1 aid arrangements other than standard eyeglasses or contact
2 lenses, allowing the operation of a motor vehicle during
3 nighttime hours. The Secretary of State shall adopt rules
4 defining the terms and conditions by which the individual may
5 obtain and renew this special restricted license. At a minimum,
6 all drivers must meet the following requirements:

7 1. Possess a valid driver's license and have driven
8 ~~operated~~ a motor vehicle during daylight hours for a period
9 of 12 months using vision aid arrangements other than
10 standard eyeglasses or contact lenses.

11 2. Have a driving record that does not include any
12 traffic accidents that occurred during nighttime hours,
13 for which the driver has been found to be at fault, during
14 the 12 months before he or she applied for the special
15 restricted license.

16 3. Successfully complete a road test administered
17 during nighttime hours.

18 At a minimum, all drivers renewing this license must meet
19 the following requirements:

20 1. Successfully complete a road test administered
21 during nighttime hours.

22 2. Have a driving record that does not include any
23 traffic accidents that occurred during nighttime hours,
24 for which the driver has been found to be at fault, during
25 the 12 months before he or she applied for the special
26 restricted license.

1 (h) Any driver issued a special restricted license as
2 defined in subsection (g) whose privilege to drive during
3 nighttime hours has been suspended due to an accident occurring
4 during nighttime hours may request a hearing as provided in
5 Section 2-118 of this Code to contest that suspension. If it is
6 determined that the accident for which the driver was at fault
7 was not influenced by the driver's use of vision aid
8 arrangements other than standard eyeglasses or contact lenses,
9 the Secretary may reinstate that driver's privilege to drive
10 during nighttime hours.

11 (Source: P.A. 95-310, eff. 1-1-08; 95-382, eff. 8-23-07;
12 95-876, eff. 8-21-08.)

13 (625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

14 Sec. 6-203.1.

15 (a) The Secretary of State is authorized to suspend, for
16 the period set forth in Section 6-208.1, the driving privileges
17 and the Department of Natural Resources is authorized to
18 suspend the snowmobile operating and watercraft operating
19 privileges of persons arrested in another state for driving or
20 operating a motor vehicle, snowmobile, or watercraft under the
21 influence of alcohol, other drug or drugs, or intoxicating
22 compound or compounds, or any combination thereof, or a similar
23 provision, and who has refused to submit to a chemical test or
24 tests under the provisions of implied consent.

25 (b) When ~~a~~ driving privileges have ~~privilege has~~ been

1 suspended for a refusal as provided in paragraph (a) of this
2 Section and the person is subsequently convicted of the
3 underlying charge, for the same incident, any period served on
4 suspension shall be credited toward the minimum period of
5 revocation of driving privileges imposed pursuant to Section
6 6-206.

7 (c) When snowmobile and watercraft operating privileges
8 have been suspended for refusal as provided in paragraph (a) of
9 this Section and the person is subsequently convicted of the
10 underlying charge, for the same incident, any period served on
11 the suspension shall be credited toward the minimum period of
12 revocation of snowmobile and watercraft operating privileges
13 imposed pursuant to Section 6-208.3.

14 (Source: P.A. 96-607, eff. 8-24-09.)

15 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

16 Sec. 6-205. Mandatory revocation of license or permit;
17 Hardship cases.

18 (a) Except as provided in this Section, the Secretary of
19 State shall immediately revoke the license, permit, or driving
20 privileges of any driver upon receiving a report of the
21 driver's conviction of any of the following offenses:

22 1. Reckless homicide resulting from the operation of a
23 motor vehicle;

24 2. Violation of Section 11-501 of this Code or a
25 similar provision of a local ordinance relating to the

1 offense of driving, operating, or being in actual physical
2 control of a vehicle, snowmobile, or watercraft while under
3 the influence of alcohol, other drug or drugs, intoxicating
4 compound or compounds, or any combination thereof;

5 3. Any felony under the laws of any State or the
6 federal government in the commission of which a motor
7 vehicle was used;

8 4. Violation of Section 11-401 of this Code relating to
9 the offense of leaving the scene of a traffic accident
10 involving death or personal injury;

11 5. Perjury or the making of a false affidavit or
12 statement under oath to the Secretary of State under this
13 Code or under any other law relating to the ownership or
14 operation of motor vehicles;

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

18 7. Conviction of any offense defined in Section 4-102
19 of this Code;

20 8. Violation of Section 11-504 of this Code relating to
21 the offense of drag racing;

22 9. Violation of Chapters 8 and 9 of this Code;

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 arising from the use of a motor vehicle;

25 11. Violation of Section 11-204.1 of this Code relating
26 to aggravated fleeing or attempting to elude a peace

1 officer;

2 12. Violation of paragraph (1) of subsection (b) of
3 Section 6-507, or a similar law of any other state,
4 relating to the unlawful operation of a commercial motor
5 vehicle;

6 13. Violation of paragraph (a) of Section 11-502 of
7 this Code or a similar provision of a local ordinance if
8 the driver has been previously convicted of a violation of
9 that Section or a similar provision of a local ordinance
10 and the driver was less than 21 years of age at the time of
11 the offense;

12 14. Violation of paragraph (a) of Section 11-506 of
13 this Code or a similar provision of a local ordinance
14 relating to the offense of street racing;

15 15. A second or subsequent conviction of driving while
16 the person's driver's license, permit or privileges was
17 revoked for reckless homicide or a similar out-of-state
18 offense.

19 (b) The Secretary of State shall also immediately revoke
20 the license or permit of any driver in the following
21 situations:

22 1. Of any minor upon receiving the notice provided for
23 in Section 5-901 of the Juvenile Court Act of 1987 that the
24 minor has been adjudicated under that Act as having
25 committed an offense relating to motor vehicles prescribed
26 in Section 4-103 of this Code;

1 2. Of any person when any other law of this State
2 requires either the revocation or suspension of a license
3 or permit;

4 3. Of any person adjudicated under the Juvenile Court
5 Act of 1987 based on an offense determined to have been
6 committed in furtherance of the criminal activities of an
7 organized gang as provided in Section 5-710 of that Act,
8 and that involved the operation or use of a motor vehicle
9 or the use of a driver's license or permit. The revocation
10 shall remain in effect for the period determined by the
11 court. ~~Upon the direction of the court, the Secretary shall~~
12 ~~issue the person a judicial driving permit, also known as a~~
13 ~~JDP. The JDP shall be subject to the same terms as a JDP~~
14 ~~issued under Section 6-206.1, except that the court may~~
15 ~~direct that a JDP issued under this subdivision (b) (3) be~~
16 ~~effective immediately.~~

17 (c) (1) Whenever ~~Except as provided in subsection (c) (5),~~
18 ~~whenever~~ a person is convicted of any of the offenses
19 enumerated in this Section, the court may recommend and the
20 Secretary of State in his discretion, without regard to whether
21 the recommendation is made by the court may, upon application,
22 issue to the person a restricted driving permit granting the
23 privilege of driving a motor vehicle between the petitioner's
24 residence and petitioner's place of employment or within the
25 scope of the petitioner's employment related duties, or to
26 allow the petitioner to transport himself or herself or a

1 family member of the petitioner's household to a medical
2 facility for the receipt of necessary medical care or to allow
3 the petitioner to transport himself or herself to and from
4 alcohol or drug remedial or rehabilitative activity
5 recommended by a licensed service provider, or to allow the
6 petitioner to transport himself or herself or a family member
7 of the petitioner's household to classes, as a student, at an
8 accredited educational institution, or to allow the petitioner
9 to transport children living in the petitioner's household to
10 and from daycare; if the petitioner is able to demonstrate that
11 no alternative means of transportation is reasonably available
12 and that the petitioner will not endanger the public safety or
13 welfare; provided that the Secretary's discretion shall be
14 limited to cases where undue hardship, as defined by the rules
15 of the Secretary of State, would result from a failure to issue
16 the restricted driving permit. Those multiple offenders
17 identified in subdivision (b)4 of Section 6-208 of this Code,
18 however, shall not be eligible for the issuance of a restricted
19 driving permit.

20 (2) If a person's license or permit is revoked or
21 suspended due to 2 or more convictions of violating Section
22 11-501 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense, or Section 9-3
24 of the Criminal Code of 1961, where the use of alcohol or
25 other drugs is recited as an element of the offense, or a
26 similar out-of-state offense, or a combination of these

1 offenses, arising out of separate occurrences, that
2 person, if issued a restricted driving permit, may not
3 ~~drive~~ ~~operate~~ a motor vehicle unless it has been equipped
4 with an ignition interlock device as defined in Section
5 1-129.1.

6 (3) A person, if issued a restricted driving permit,
7 may not operate a motor vehicle unless it has been equipped
8 with an ignition interlock device as defined in Section
9 1-129.1, if: ~~If:~~

10 (A) a person's license or permit is revoked or
11 suspended 2 or more times within a 10 year period due
12 to any combination of:

13 (i) a single conviction of violating Section
14 11-501 of this Code or a similar provision of a
15 local ordinance or a similar out-of-state offense,
16 or Section 9-3 of the Criminal Code of 1961, where
17 the use of alcohol or other drugs is recited as an
18 element of the offense, or a similar out-of-state
19 offense; or

20 (ii) a statutory summary suspension under
21 Section 11-501.1; or

22 (iii) a suspension pursuant to Section
23 6-203.1;

24 arising out of separate occurrences; or

25 (B) a person has been convicted of one violation of
26 Section 6-303 of this Code committed while his or her

1 driver's license, permit, or privilege was revoked
2 because of a violation of Section 9-3 of the Criminal
3 Code of 1961, relating to the offense of reckless
4 homicide where the use of alcohol or other drugs was
5 recited as an element of the offense, or a similar
6 provision of a law of another state;

7 ~~that person, if issued a restricted driving permit, may not~~
8 ~~operate a vehicle unless it has been equipped with an~~
9 ~~ignition interlock device as defined in Section 1-129.1.~~

10 (4) The person issued a permit conditioned on the use
11 of an ignition interlock device must pay to the Secretary
12 of State DUI Administration Fund an amount not to exceed
13 \$30 per month. The Secretary shall establish by rule the
14 amount and the procedures, terms, and conditions relating
15 to these fees.

16 (5) If the restricted driving permit is issued for
17 employment purposes, then the prohibition against driving
18 ~~operating~~ a motor vehicle that is not equipped with an
19 ignition interlock device does not apply to the operation
20 of an occupational vehicle owned or leased by that person's
21 employer when used solely for employment purposes.

22 (6) In each case the Secretary of State may issue a
23 restricted driving permit for a period he deems
24 appropriate, except that the permit shall expire within one
25 year from the date of issuance. The Secretary may not,
26 however, issue a restricted driving permit to any person

1 whose current revocation is the result of a second or
2 subsequent conviction for a violation of Section 11-501 of
3 this Code or a similar provision of a local ordinance or
4 any similar out-of-state offense, or Section 9-3 of the
5 Criminal Code of 1961, where the use of alcohol or other
6 drugs is recited as an element of the offense, or any
7 similar out-of-state offense, or any combination of these
8 offenses, if the offense involved the use of a motor
9 vehicle, until the expiration of at least one year from the
10 date of the revocation. A restricted driving permit issued
11 under this Section shall be subject to cancellation,
12 revocation, and suspension by the Secretary of State in
13 like manner and for like cause as a driver's license issued
14 under this Code may be cancelled, revoked, or suspended;
15 except that a conviction upon one or more offenses against
16 laws or ordinances regulating the movement of traffic shall
17 be deemed sufficient cause for the revocation, suspension,
18 or cancellation of a restricted driving permit. The
19 Secretary of State may, as a condition to the issuance of a
20 restricted driving permit, require the petitioner to
21 participate in a designated driver remedial or
22 rehabilitative program. The Secretary of State is
23 authorized to cancel a restricted driving permit if the
24 permit holder does not successfully complete the program.
25 However, if an individual's driving privileges have been
26 revoked in accordance with paragraph 13 of subsection (a)

1 of this Section, no restricted driving permit shall be
2 issued until the individual has served 6 months of the
3 revocation period.

4 (c-5) (Blank).

5 (c-6) If a person is convicted of a second violation of
6 driving ~~operating~~ a motor vehicle while the person's driver's
7 license, permit or privilege was revoked, where the revocation
8 was for a violation of Section 9-3 of the Criminal Code of 1961
9 relating to the offense of reckless homicide or a similar
10 out-of-state offense, the person's driving privileges shall be
11 revoked pursuant to subdivision (a)(15) of this Section. The
12 person may not make application for a license or permit until
13 the expiration of five years from the effective date of the
14 revocation or the expiration of five years from the date of
15 release from a term of imprisonment, whichever is later.

16 (c-7) If a person is convicted of a third or subsequent
17 violation of driving ~~operating~~ a motor vehicle while the
18 person's driver's license, permit or privilege was revoked,
19 where the revocation was for a violation of Section 9-3 of the
20 Criminal Code of 1961 relating to the offense of reckless
21 homicide or a similar out-of-state offense, the person may
22 never apply for a license or permit.

23 (d) (1) Whenever a person under the age of 21 is convicted
24 under Section 11-501 of this Code or a similar provision of a
25 local ordinance or a similar out-of-state offense, the
26 Secretary of State shall revoke the driving privileges of that

1 person. One year after the date of revocation, and upon
2 application, the Secretary of State may, if satisfied that the
3 person applying will not endanger the public safety or welfare,
4 issue a restricted driving permit granting the privilege of
5 driving a motor vehicle only between the hours of 5 a.m. and 9
6 p.m. or as otherwise provided by this Section for a period of
7 one year. After this one year period, and upon reapplication
8 for a license as provided in Section 6-106, upon payment of the
9 appropriate reinstatement fee provided under paragraph (b) of
10 Section 6-118, the Secretary of State, in his discretion, may
11 reinstate the petitioner's driver's license and driving
12 privileges, or extend the restricted driving permit as many
13 times as the Secretary of State deems appropriate, by
14 additional periods of not more than 12 months each.

15 (2) If a person's license or permit is revoked or
16 suspended due to 2 or more convictions of violating Section
17 11-501 of this Code or a similar provision of a local
18 ordinance or a similar out-of-state offense, or Section 9-3
19 of the Criminal Code of 1961, where the use of alcohol or
20 other drugs is recited as an element of the offense, or a
21 similar out-of-state offense, or a combination of these
22 offenses, arising out of separate occurrences, that
23 person, if issued a restricted driving permit, may not
24 drive ~~operate~~ a motor vehicle unless it has been equipped
25 with an ignition interlock device as defined in Section
26 1-129.1.

1 (3) If a person's license or permit is revoked or
2 suspended 2 or more times within a 10 year period due to
3 any combination of:

4 (A) a single conviction of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or
7 Section 9-3 of the Criminal Code of 1961, where the use
8 of alcohol or other drugs is recited as an element of
9 the offense, or a similar out-of-state offense; or

10 (B) a statutory summary suspension under Section
11 11-501.1; or

12 (C) a suspension pursuant to Section 6-203.1;
13 arising out of separate occurrences, that person, if issued
14 a restricted driving permit, may not drive ~~operate~~ a motor
15 vehicle unless it has been equipped with an ignition
16 interlock device as defined in Section 1-129.1.

17 (4) The person issued a permit conditioned upon the use
18 of an interlock device must pay to the Secretary of State
19 DUI Administration Fund an amount not to exceed \$30 per
20 month. The Secretary shall establish by rule the amount and
21 the procedures, terms, and conditions relating to these
22 fees.

23 (5) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against driving
25 a motor vehicle that is not equipped with an ignition
26 interlock device does not apply to the operation of an

1 occupational vehicle owned or leased by that person's
2 employer when used solely for employment purposes.

3 (6) A restricted driving permit issued under this
4 Section shall be subject to cancellation, revocation, and
5 suspension by the Secretary of State in like manner and for
6 like cause as a driver's license issued under this Code may
7 be cancelled, revoked, or suspended; except that a
8 conviction upon one or more offenses against laws or
9 ordinances regulating the movement of traffic shall be
10 deemed sufficient cause for the revocation, suspension, or
11 cancellation of a restricted driving permit.

12 (d-5) The revocation of the license, permit, or driving
13 privileges of a person convicted of a third or subsequent
14 violation of Section 6-303 of this Code committed while his or
15 her driver's license, permit, or privilege was revoked because
16 of a violation of Section 9-3 of the Criminal Code of 1961,
17 relating to the offense of reckless homicide, or a similar
18 provision of a law of another state, is permanent. The
19 Secretary may not, at any time, issue a license or permit to
20 that person.

21 (e) This Section is subject to the provisions of the Driver
22 License Compact.

23 (f) Any revocation imposed upon any person under
24 subsections 2 and 3 of paragraph (b) that is in effect on
25 December 31, 1988 shall be converted to a suspension for a like
26 period of time.

1 (g) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been revoked under any provisions of
4 this Code.

5 (h) The Secretary of State shall require the use of
6 ignition interlock devices on all vehicles owned by a person
7 who has been convicted of a second or subsequent offense under
8 Section 11-501 of this Code or a similar provision of a local
9 ordinance. The person must pay to the Secretary of State DUI
10 Administration Fund an amount not to exceed \$30 for each month
11 that he or she uses the device. The Secretary shall establish
12 by rule and regulation the procedures for certification and use
13 of the interlock system, the amount of the fee, and the
14 procedures, terms, and conditions relating to these fees.

15 (i) (Blank).

16 (j) In accordance with 49 C.F.R. 384, the Secretary of
17 State may not issue a restricted driving permit for the
18 operation of a commercial motor vehicle to a person holding a
19 CDL whose driving privileges have been revoked, suspended,
20 cancelled, or disqualified under any provisions of this Code.

21 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
22 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
23 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
24 96-607, eff. 8-24-09.)

25 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

1 Sec. 6-206. Discretionary authority to suspend or revoke
2 license or permit; Right to a hearing.

3 (a) The Secretary of State is authorized to suspend or
4 revoke the driving privileges of any person without preliminary
5 hearing upon a showing of the person's records or other
6 sufficient evidence that the person:

7 1. Has committed an offense for which mandatory
8 revocation of a driver's license or permit is required upon
9 conviction;

10 2. Has been convicted of not less than 3 offenses
11 against traffic regulations governing the movement of
12 vehicles committed within any 12 month period. No
13 revocation or suspension shall be entered more than 6
14 months after the date of last conviction;

15 3. Has been repeatedly involved as a driver in motor
16 vehicle collisions or has been repeatedly convicted of
17 offenses against laws and ordinances regulating the
18 movement of traffic, to a degree that indicates lack of
19 ability to exercise ordinary and reasonable care in the
20 safe operation of a motor vehicle or disrespect for the
21 traffic laws and the safety of other persons upon the
22 highway;

23 4. Has by the unlawful operation of a motor vehicle
24 caused or contributed to an accident resulting in death or
25 injury requiring immediate professional treatment in a
26 medical facility or doctor's office to any person, except

1 that any suspension or revocation imposed by the Secretary
2 of State under the provisions of this subsection shall
3 start no later than 6 months after being convicted of
4 violating a law or ordinance regulating the movement of
5 traffic, which violation is related to the accident, or
6 shall start not more than one year after the date of the
7 accident, whichever date occurs later;

8 5. Has permitted an unlawful or fraudulent use of a
9 driver's license, identification card, or permit;

10 6. Has been lawfully convicted of an offense or
11 offenses in another state, including the authorization
12 contained in Section 6-203.1, which if committed within
13 this State would be grounds for suspension or revocation;

14 7. Has refused or failed to submit to an examination
15 provided for by Section 6-207 or has failed to pass the
16 examination;

17 8. Is ineligible for a driver's license or permit under
18 the provisions of Section 6-103;

19 9. Has made a false statement or knowingly concealed a
20 material fact or has used false information or
21 identification in any application for a license,
22 identification card, or permit;

23 10. Has possessed, displayed, or attempted to
24 fraudulently use any license, identification card, or
25 permit not issued to the person;

26 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to
2 obtain a driver's license or permit was revoked or
3 suspended unless the operation was authorized by a
4 monitoring device driving permit, judicial driving permit
5 issued prior to January 1, 2009, probationary license to
6 drive, or a restricted driving permit issued under this
7 Code;

8 12. Has submitted to any portion of the application
9 process for another person or has obtained the services of
10 another person to submit to any portion of the application
11 process for the purpose of obtaining a license,
12 identification card, or permit for some other person;

13 13. Has operated a motor vehicle upon a highway of this
14 State when the person's driver's license or permit was
15 invalid under the provisions of Sections 6-107.1 and 6-110;

16 14. Has committed a violation of Section 6-301,
17 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
18 of the Illinois Identification Card Act;

19 15. Has been convicted of violating Section 21-2 of the
20 Criminal Code of 1961 relating to criminal trespass to
21 vehicles in which case, the suspension shall be for one
22 year;

23 16. Has been convicted of violating Section 11-204 of
24 this Code relating to fleeing from a peace officer;

25 17. Has refused to submit to a test, or tests, as
26 required under Section 11-501.1 of this Code and the person

1 has not sought a hearing as provided for in Section
2 11-501.1;

3 18. Has, since issuance of a driver's license or
4 permit, been adjudged to be afflicted with or suffering
5 from any mental disability or disease;

6 19. Has committed a violation of paragraph (a) or (b)
7 of Section 6-101 relating to driving without a driver's
8 license;

9 20. Has been convicted of violating Section 6-104
10 relating to classification of driver's license;

11 21. Has been convicted of violating Section 11-402 of
12 this Code relating to leaving the scene of an accident
13 resulting in damage to a vehicle in excess of \$1,000, in
14 which case the suspension shall be for one year;

15 22. Has used a motor vehicle in violating paragraph
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
17 the Criminal Code of 1961 relating to unlawful use of
18 weapons, in which case the suspension shall be for one
19 year;

20 23. Has, as a driver, been convicted of committing a
21 violation of paragraph (a) of Section 11-502 of this Code
22 for a second or subsequent time within one year of a
23 similar violation;

24 24. Has been convicted by a court-martial or punished
25 by non-judicial punishment by military authorities of the
26 United States at a military installation in Illinois of or

1 for a traffic related offense that is the same as or
2 similar to an offense specified under Section 6-205 or
3 6-206 of this Code;

4 25. Has permitted any form of identification to be used
5 by another in the application process in order to obtain or
6 attempt to obtain a license, identification card, or
7 permit;

8 26. Has altered or attempted to alter a license or has
9 possessed an altered license, identification card, or
10 permit;

11 27. Has violated Section 6-16 of the Liquor Control Act
12 of 1934;

13 28. Has been convicted of the illegal possession, while
14 operating or in actual physical control, as a driver, of a
15 motor vehicle, of any controlled substance prohibited
16 under the Illinois Controlled Substances Act, any cannabis
17 prohibited under the Cannabis Control Act, or any
18 methamphetamine prohibited under the Methamphetamine
19 Control and Community Protection Act, in which case the
20 person's driving privileges shall be suspended for one
21 year, and any driver who is convicted of a second or
22 subsequent offense, within 5 years of a previous
23 conviction, for the illegal possession, while operating or
24 in actual physical control, as a driver, of a motor
25 vehicle, of any controlled substance prohibited under the
26 Illinois Controlled Substances Act, any cannabis

1 prohibited under the Cannabis Control Act, or any
2 methamphetamine prohibited under the Methamphetamine
3 Control and Community Protection Act shall be suspended for
4 5 years. Any defendant found guilty of this offense while
5 operating a motor vehicle, shall have an entry made in the
6 court record by the presiding judge that this offense did
7 occur while the defendant was operating a motor vehicle and
8 order the clerk of the court to report the violation to the
9 Secretary of State;

10 29. Has been convicted of the following offenses that
11 were committed while the person was operating or in actual
12 physical control, as a driver, of a motor vehicle: criminal
13 sexual assault, predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, criminal sexual
15 abuse, aggravated criminal sexual abuse, juvenile pimping,
16 soliciting for a juvenile prostitute and the manufacture,
17 sale or delivery of controlled substances or instruments
18 used for illegal drug use or abuse in which case the
19 driver's driving privileges shall be suspended for one
20 year;

21 30. Has been convicted a second or subsequent time for
22 any combination of the offenses named in paragraph 29 of
23 this subsection, in which case the person's driving
24 privileges shall be suspended for 5 years;

25 31. Has refused to submit to a test as required by
26 Section 11-501.6 or has submitted to a test resulting in an

1 alcohol concentration of 0.08 or more or any amount of a
2 drug, substance, or compound resulting from the unlawful
3 use or consumption of cannabis as listed in the Cannabis
4 Control Act, a controlled substance as listed in the
5 Illinois Controlled Substances Act, an intoxicating
6 compound as listed in the Use of Intoxicating Compounds
7 Act, or methamphetamine as listed in the Methamphetamine
8 Control and Community Protection Act, in which case the
9 penalty shall be as prescribed in Section 6-208.1;

10 32. Has been convicted of Section 24-1.2 of the
11 Criminal Code of 1961 relating to the aggravated discharge
12 of a firearm if the offender was located in a motor vehicle
13 at the time the firearm was discharged, in which case the
14 suspension shall be for 3 years;

15 33. Has as a driver, who was less than 21 years of age
16 on the date of the offense, been convicted a first time of
17 a violation of paragraph (a) of Section 11-502 of this Code
18 or a similar provision of a local ordinance;

19 34. Has committed a violation of Section 11-1301.5 of
20 this Code;

21 35. Has committed a violation of Section 11-1301.6 of
22 this Code;

23 36. Is under the age of 21 years at the time of arrest
24 and has been convicted of not less than 2 offenses against
25 traffic regulations governing the movement of vehicles
26 committed within any 24 month period. No revocation or

1 suspension shall be entered more than 6 months after the
2 date of last conviction;

3 37. Has committed a violation of subsection (c) of
4 Section 11-907 of this Code that resulted in damage to the
5 property of another or the death or injury of another;

6 38. Has been convicted of a violation of Section 6-20
7 of the Liquor Control Act of 1934 or a similar provision of
8 a local ordinance;

9 39. Has committed a second or subsequent violation of
10 Section 11-1201 of this Code;

11 40. Has committed a violation of subsection (a-1) of
12 Section 11-908 of this Code;

13 41. Has committed a second or subsequent violation of
14 Section 11-605.1 of this Code within 2 years of the date of
15 the previous violation, in which case the suspension shall
16 be for 90 days;

17 42. Has committed a violation of subsection (a-1) of
18 Section 11-1301.3 of this Code;

19 43. Has received a disposition of court supervision for
20 a violation of subsection (a), (d), or (e) of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance, in which case the suspension shall be
23 for a period of 3 months;

24 44. Is under the age of 21 years at the time of arrest
25 and has been convicted of an offense against traffic
26 regulations governing the movement of vehicles after

1 having previously had his or her driving privileges
2 suspended or revoked pursuant to subparagraph 36 of this
3 Section; or

4 45. Has, in connection with or during the course of a
5 formal hearing conducted under Section 2-118 of this Code:
6 (i) committed perjury; (ii) submitted fraudulent or
7 falsified documents; (iii) submitted documents that have
8 been materially altered; or (iv) submitted, as his or her
9 own, documents that were in fact prepared or composed for
10 another person.

11 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
12 and 27 of this subsection, license means any driver's license,
13 any traffic ticket issued when the person's driver's license is
14 deposited in lieu of bail, a suspension notice issued by the
15 Secretary of State, a duplicate or corrected driver's license,
16 a probationary driver's license or a temporary driver's
17 license.

18 (b) If any conviction forming the basis of a suspension or
19 revocation authorized under this Section is appealed, the
20 Secretary of State may rescind or withhold the entry of the
21 order of suspension or revocation, as the case may be, provided
22 that a certified copy of a stay order of a court is filed with
23 the Secretary of State. If the conviction is affirmed on
24 appeal, the date of the conviction shall relate back to the
25 time the original judgment of conviction was entered and the 6
26 month limitation prescribed shall not apply.

1 (c) 1. Upon suspending or revoking the driver's license or
2 permit of any person as authorized in this Section, the
3 Secretary of State shall immediately notify the person in
4 writing of the revocation or suspension. The notice to be
5 deposited in the United States mail, postage prepaid, to the
6 last known address of the person.

7 2. If the Secretary of State suspends the driver's
8 license of a person under subsection 2 of paragraph (a) of
9 this Section, a person's privilege to drive ~~operate~~ a
10 vehicle as an occupation shall not be suspended, provided
11 an affidavit is properly completed, the appropriate fee
12 received, and a permit issued prior to the effective date
13 of the suspension, unless 5 offenses were committed, at
14 least 2 of which occurred while driving ~~operating~~ a
15 commercial vehicle in connection with the driver's regular
16 occupation. All other driving privileges shall be
17 suspended by the Secretary of State. Any driver prior to
18 driving ~~operating~~ a vehicle for occupational purposes only
19 must submit the affidavit on forms to be provided by the
20 Secretary of State setting forth the facts of the person's
21 occupation. The affidavit shall also state the number of
22 offenses committed while driving ~~operating~~ a vehicle in
23 connection with the driver's regular occupation. The
24 affidavit shall be accompanied by the driver's license.
25 Upon receipt of a properly completed affidavit, the
26 Secretary of State shall issue the driver a permit to drive

1 ~~operate~~ a vehicle in connection with the driver's regular
2 occupation only. Unless the permit is issued by the
3 Secretary of State prior to the date of suspension, the
4 privilege to drive any motor vehicle shall be suspended as
5 set forth in the notice that was mailed under this Section.
6 If an affidavit is received subsequent to the effective
7 date of this suspension, a permit may be issued for the
8 remainder of the suspension period.

9 The provisions of this subparagraph shall not apply to
10 any driver required to possess a CDL for the purpose of
11 driving ~~operating~~ a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit
13 required herein shall be guilty of perjury under Section
14 6-302 and upon conviction thereof shall have all driving
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118
17 of this Code, the Secretary of State shall either rescind
18 or continue an order of revocation or shall substitute an
19 order of suspension; or, good cause appearing therefor,
20 rescind, continue, change, or extend the order of
21 suspension. If the Secretary of State does not rescind the
22 order, the Secretary may upon application, to relieve undue
23 hardship (as defined by the rules of the Secretary of
24 State), issue a restricted driving permit granting the
25 privilege of driving a motor vehicle between the
26 petitioner's residence and petitioner's place of

1 employment or within the scope of the petitioner's
2 employment related duties, or to allow the petitioner to
3 transport himself or herself, or a family member of the
4 petitioner's household to a medical facility, to receive
5 necessary medical care, to allow the petitioner to
6 transport himself or herself to and from alcohol or drug
7 remedial or rehabilitative activity recommended by a
8 licensed service provider, or to allow the petitioner to
9 transport himself or herself or a family member of the
10 petitioner's household to classes, as a student, at an
11 accredited educational institution, or to allow the
12 petitioner to transport children living in the
13 petitioner's household to and from daycare. The petitioner
14 must demonstrate that no alternative means of
15 transportation is reasonably available and that the
16 petitioner will not endanger the public safety or welfare.
17 Those multiple offenders identified in subdivision (b)4 of
18 Section 6-208 of this Code, however, shall not be eligible
19 for the issuance of a restricted driving permit.

20 (A) If a person's license or permit is revoked or
21 suspended due to 2 or more convictions of violating
22 Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, or
24 Section 9-3 of the Criminal Code of 1961, where the use
25 of alcohol or other drugs is recited as an element of
26 the offense, or a similar out-of-state offense, or a

1 combination of these offenses, arising out of separate
2 occurrences, that person, if issued a restricted
3 driving permit, may not drive ~~operate~~ a motor vehicle
4 unless it has been equipped with an ignition interlock
5 device as defined in Section 1-129.1.

6 (B) If a person's license or permit is revoked or
7 suspended 2 or more times within a 10 year period due
8 to any combination of:

9 (i) a single conviction of violating Section
10 11-501 of this Code or a similar provision of a
11 local ordinance or a similar out-of-state offense
12 or Section 9-3 of the Criminal Code of 1961, where
13 the use of alcohol or other drugs is recited as an
14 element of the offense, or a similar out-of-state
15 offense; or

16 (ii) a statutory summary suspension under
17 Section 11-501.1; or

18 (iii) a suspension under Section 6-203.1;
19 arising out of separate occurrences; that person, if
20 issued a restricted driving permit, may not drive
21 ~~operate~~ a motor vehicle unless it has been equipped
22 with an ignition interlock device as defined in Section
23 1-129.1.

24 (C) The person issued a permit conditioned upon the
25 use of an ignition interlock device must pay to the
26 Secretary of State DUI Administration Fund an amount

1 not to exceed \$30 per month. The Secretary shall
2 establish by rule the amount and the procedures, terms,
3 and conditions relating to these fees.

4 (D) If the restricted driving permit is issued for
5 employment purposes, then the prohibition against
6 driving ~~operating~~ a motor vehicle that is not equipped
7 with an ignition interlock device does not apply to the
8 driving ~~operation~~ of an occupational vehicle owned or
9 leased by that person's employer when used solely for
10 employment purposes.

11 (E) In each case the Secretary may issue a
12 restricted driving permit for a period deemed
13 appropriate, except that all permits shall expire
14 within one year from the date of issuance. The
15 Secretary may not, however, issue a restricted driving
16 permit to any person whose current revocation is the
17 result of a second or subsequent conviction for a
18 violation of Section 11-501 of this Code or a similar
19 provision of a local ordinance or any similar
20 out-of-state offense, or Section 9-3 of the Criminal
21 Code of 1961, where the use of alcohol or other drugs
22 is recited as an element of the offense, or any similar
23 out-of-state offense, or any combination of those
24 offenses, if the offense involved the use of a motor
25 vehicle, until the expiration of at least one year from
26 the date of the revocation. A restricted driving permit

1 issued under this Section shall be subject to
2 cancellation, revocation, and suspension by the
3 Secretary of State in like manner and for like cause as
4 a driver's license issued under this Code may be
5 cancelled, revoked, or suspended; except that a
6 conviction upon one or more offenses against laws or
7 ordinances regulating the movement of traffic shall be
8 deemed sufficient cause for the revocation,
9 suspension, or cancellation of a restricted driving
10 permit. The Secretary of State may, as a condition to
11 the issuance of a restricted driving permit, require
12 the applicant to participate in a designated driver
13 remedial or rehabilitative program. The Secretary of
14 State is authorized to cancel a restricted driving
15 permit if the permit holder does not successfully
16 complete the program.

17 (c-3) In the case of a suspension under paragraph 43 of
18 subsection (a), reports received by the Secretary of State
19 under this Section shall, except during the actual time the
20 suspension is in effect, be privileged information and for use
21 only by the courts, police officers, prosecuting authorities,
22 the driver licensing administrator of any other state, the
23 Secretary of State, or the parent or legal guardian of a driver
24 under the age of 18. However, beginning January 1, 2008, if the
25 person is a CDL holder, the suspension shall also be made
26 available to the driver licensing administrator of any other

1 state, the U.S. Department of Transportation, and the affected
2 driver or motor carrier or prospective motor carrier upon
3 request.

4 (c-4) In the case of a suspension under paragraph 43 of
5 subsection (a), the Secretary of State shall notify the person
6 by mail that his or her driving privileges and driver's license
7 will be suspended one month after the date of the mailing of
8 the notice.

9 (c-5) The Secretary of State may, as a condition of the
10 reissuance of a driver's license or permit to an applicant
11 whose driver's license or permit has been suspended before he
12 or she reached the age of 21 years pursuant to any of the
13 provisions of this Section, require the applicant to
14 participate in a driver remedial education course and be
15 retested under Section 6-109 of this Code.

16 (d) This Section is subject to the provisions of the
17 Drivers License Compact.

18 (e) The Secretary of State shall not issue a restricted
19 driving permit to a person under the age of 16 years whose
20 driving privileges have been suspended or revoked under any
21 provisions of this Code.

22 (f) In accordance with 49 C.F.R. 384, the Secretary of
23 State may not issue a restricted driving permit to drive ~~for~~
24 ~~the operation of~~ a commercial motor vehicle to a person holding
25 a CDL whose driving privileges have been suspended, revoked,
26 cancelled, or disqualified under any provisions of this Code.

1 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
2 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
3 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
4 eff. 8-11-09; 96-607, eff. 8-24-09.)

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

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

8 (a) Unless the statutory summary suspension has been
9 rescinded, any person whose privileges ~~privilege~~ to (1) drive a
10 motor vehicle on the public highways, (2) operate a snowmobile
11 in this State, or (3) operate a watercraft upon the waters of
12 this State have ~~has~~ been summarily suspended, pursuant to
13 Section 11-501.1, shall not be eligible for restoration of the
14 privilege until the expiration of:

15 1. Twelve months from the effective date of the
16 statutory summary suspension for a refusal or failure to
17 complete a test or tests to determine the alcohol, drug, or
18 intoxicating compound concentration, pursuant to Section
19 11-501.1; or

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

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

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

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

24 (b) Following a statutory summary suspension of the
25 privilege to drive a motor vehicle, operate a snowmobile, and
26 operate a watercraft under Section 11-501.1, ~~driving~~

1 privileges shall be restored unless the person is otherwise
2 suspended, revoked, or cancelled by this Code. If the court has
3 reason to believe that the person's privileges ~~driving~~
4 ~~privilege~~ should not be restored, the court shall notify the
5 Secretary of State and Department of Natural Resources prior to
6 the expiration of the statutory summary suspension so
7 appropriate action may be taken pursuant to this 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, snowmobile operating, and watercraft
13 operating privileges have ~~privilege~~ ~~has~~ been summarily
14 suspended under Section 11-501.1 and the person is subsequently
15 convicted of violating Section 11-501, or a similar provision
16 of a local ordinance, for the same incident, any period served
17 on statutory summary suspension shall be credited toward the
18 minimum period of revocation of driving, snowmobile operating,
19 and watercraft operating privileges imposed pursuant to
20 Section 6-205 or 6-208.3 of this Code.

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

1 device driving permit shall not be effective prior to the 31st
2 day of the statutory summary suspension.

3 (f) (Blank).

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

8 (h) (Blank).

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

11 (625 ILCS 5/6-208.2)

12 Sec. 6-208.2. Restoration of driving, snowmobile
13 operating, and watercraft operating privileges; persons under
14 age 21.

15 (a) Unless the suspension based upon consumption of alcohol
16 by a minor or refusal to submit to testing has been rescinded
17 ~~by the Secretary of State~~ in accordance with subsection (e-6)
18 or (e-8) of Section 11-501.8 ~~item (c)(3) of Section 6-206~~ of
19 this Code, a person whose privileges ~~privilege~~ to (i) drive a
20 motor vehicle on the public highways, (ii) operate a snowmobile
21 in this State, and (iii) operate a watercraft upon the waters
22 of this State have ~~has~~ been suspended under Section 11-501.8 is
23 not eligible for restoration of the privileges ~~privilege~~ until
24 the expiration of:

25 1. Six months from the effective date of the suspension

1 for a refusal or failure to complete a test or tests to
2 determine the alcohol concentration under Section
3 11-501.8;

4 2. Three months from the effective date of the
5 suspension imposed following the person's submission to a
6 chemical test which disclosed an alcohol concentration
7 greater than 0.00 under Section 11-501.8;

8 3. Two years from the effective date of the suspension
9 for a person who has been previously suspended under
10 Section 11-501.8 and who refuses or fails to complete a
11 test or tests to determine the alcohol concentration under
12 Section 11-501.8; or

13 4. One year from the effective date of the suspension
14 imposed for a person who has been previously suspended
15 under Section 11-501.8 following submission to a chemical
16 test that disclosed an alcohol concentration greater than
17 0.00 under Section 11-501.8.

18 (b) Following a suspension of privileges ~~the privilege~~ to
19 drive a motor vehicle, operate a snowmobile, and operate a
20 watercraft under Section 11-501.8, full ~~driving~~ privileges
21 shall be restored unless the person is otherwise suspended,
22 revoked, or cancelled ~~disqualified by law~~ this Code.

23 (c) Full driving privileges may not be restored until all
24 applicable reinstatement fees, as provided by this Code, have
25 been paid to the Secretary of State and the appropriate entry
26 made to the driver's record. The Secretary of State may also,

1 as a condition of the reissuance of a driver's license or
2 permit to an individual under the age of 18 years whose driving
3 privileges have been suspended pursuant to Section 11-501.8,
4 require the applicant to participate in a driver remedial
5 education course and be retested under Section 6-109.

6 (d) Where ~~a~~ driving, snowmobile operating, and watercraft
7 operating privileges have ~~privilege has~~ been suspended under
8 Section 11-501.8 and the person is subsequently convicted of
9 violating Section 11-501, or a similar provision of a local
10 ordinance, for the same incident, any period served on that
11 suspension shall be credited toward the minimum period of
12 revocation of driving, snowmobile operating, and watercraft
13 operating privileges imposed under Section 6-205 or 6-208.3 of
14 this Code.

15 (e) Following a suspension of driving privileges under
16 Section 11-501.8 for a person who has not had his or her
17 driving privileges previously suspended under that Section,
18 the Secretary of State may issue a restricted driving permit
19 after at least 30 days from the effective date of the
20 suspension.

21 (f) Following a second or subsequent suspension of driving
22 privileges under Section 11-501.8, the Secretary of State may
23 issue a restricted driving permit after at least 12 months from
24 the effective date of the suspension.

25 (g) (Blank).

26 (h) Any restricted driving permit considered under this

1 Section is subject to the provisions of subsections (e-6) and
2 (e-8) ~~item (e)~~ of Section 11-501.8.

3 (Source: P.A. 92-248, eff. 8-3-01.)

4 (625 ILCS 5/6-208.3 new)

5 Sec. 6-208.3. Special Provisions related to the operation
6 of snowmobiles and watercraft.

7 (a) In addition to any criminal penalties imposed under
8 this Chapter, the Department of Natural Resources shall revoke
9 the snowmobile and watercraft privileges of a person convicted
10 of Section 11-501, a similar provision of a local ordinance, or
11 a similar out of state offense, as provided in the following
12 paragraphs:

13 (1) For a period of one year upon a first conviction;

14 (2) For a period of five years upon a second conviction
15 within 20 years;

16 (3) For a period of ten years upon a third conviction;
17 and

18 (4) For life upon a fourth or subsequent conviction.

19 (b) The 20-year period in paragraph (2) of subsection (a)
20 of this Section shall be computed by using the dates the
21 offenses were committed.

22 (c) The Department of Natural Resources shall promulgate
23 administrative rules regarding the standards and procedures
24 that will govern the reinstatement of watercraft and snowmobile
25 privileges.

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

2 Sec. 6-303. Driving while driver's license, permit or
3 privilege to drive ~~operate~~ a motor vehicle is suspended or
4 revoked.

5 (a) Except as otherwise provided in subsection (a-5), any
6 person who drives or is in actual physical control of a motor
7 vehicle on any highway of this State at a time when such
8 person's driver's license, permit or privilege to do so or the
9 privilege to obtain a driver's license or permit is revoked or
10 suspended as provided by this Code or the law of another state,
11 except as may be specifically allowed by a judicial driving
12 permit issued prior to January 1, 2009, monitoring device
13 driving permit, family financial responsibility driving
14 permit, probationary license to drive, or a restricted driving
15 permit issued pursuant to this Code or under the law of another
16 state, shall be guilty of a Class A misdemeanor.

17 (a-5) Any person who violates this Section as provided in
18 subsection (a) while his or her driver's license, permit or
19 privilege is revoked because of a violation of Section 9-3 of
20 the Criminal Code of 1961, relating to the offense of reckless
21 homicide or a similar provision of a law of another state, is
22 guilty of a Class 4 felony. The person shall be required to
23 undergo a professional evaluation, as provided in Section
24 11-501 of this Code, to determine if an alcohol, drug, or
25 intoxicating compound problem exists and the extent of the

1 problem, and to undergo the imposition of treatment as
2 appropriate.

3 (b) (Blank).

4 (b-1) Upon receiving a report of the conviction of any
5 violation indicating a person was operating a motor vehicle
6 during the time when the person's driver's license, permit or
7 privilege was suspended by the Secretary of State or the
8 driver's licensing administrator of another state, except as
9 specifically allowed by a probationary license, judicial
10 driving permit, restricted driving permit or monitoring device
11 driving permit the Secretary shall extend the suspension for
12 the same period of time as the originally imposed suspension
13 unless the suspension has already expired, in which case the
14 Secretary shall be authorized to suspend the person's driving
15 privileges for the same period of time as the originally
16 imposed suspension.

17 (b-2) Except as provided in subsection (b-6), upon
18 receiving a report of the conviction of any violation
19 indicating a person was operating a motor vehicle when the
20 person's driver's license, permit or privilege was revoked by
21 the Secretary of State or the driver's license administrator of
22 any other state, except as specifically allowed by a restricted
23 driving permit issued pursuant to this Code or the law of
24 another state, the Secretary shall not issue a driver's license
25 for an additional period of one year from the date of such
26 conviction indicating such person was operating a vehicle

1 during such period of revocation.

2 (b-3) (Blank).

3 (b-4) When the Secretary of State receives a report of a
4 conviction of any violation indicating a person was driving
5 ~~operating~~ a motor vehicle that was not equipped with an
6 ignition interlock device during a time when the person was
7 prohibited from operating a motor vehicle not equipped with
8 such a device, the Secretary shall not issue a driver's license
9 to that person for an additional period of one year from the
10 date of the conviction.

11 (b-5) Any person convicted of violating this Section shall
12 serve a minimum term of imprisonment of 30 consecutive days or
13 300 hours of community service when the person's driving
14 privilege was revoked or suspended as a result of a violation
15 of Section 9-3 of the Criminal Code of 1961, as amended,
16 relating to the offense of reckless homicide, or a similar
17 provision of a law of another state.

18 (b-6) Upon receiving a report of a first conviction of
19 operating a motor vehicle while the person's driver's license,
20 permit or privilege was revoked where the revocation was for a
21 violation of Section 9-3 of the Criminal Code of 1961 relating
22 to the offense of reckless homicide or a similar out-of-state
23 offense, the Secretary shall not issue a driver's license for
24 an additional period of three years from the date of such
25 conviction.

26 (c) Except as provided in subsections (c-3) and (c-4), any

1 person convicted of violating this Section shall serve a
2 minimum term of imprisonment of 10 consecutive days or 30 days
3 of community service when the person's driving privilege was
4 revoked or suspended as a result of:

5 (1) a violation of Section 11-501 of this Code or a
6 similar provision of a local ordinance relating to the
7 offense of driving ~~operating~~ or being in actual physical
8 control of a motor vehicle, snowmobile, or watercraft while
9 under the influence of alcohol, any other drug or any
10 combination thereof; or

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

15 (3) 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 subsections (c-5) and (d), any
20 person 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 (c-3) Any person convicted of a violation of this Section
5 during a period of summary suspension imposed pursuant to
6 Section 11-501.1 when the person was eligible for a MDDP shall
7 be guilty of a Class 4 felony and shall serve a minimum term of
8 imprisonment of 30 days.

9 (c-4) Any person who has been issued a MDDP and who is
10 convicted of a violation of this Section as a result of driving
11 ~~operating~~ or being in actual physical control of a motor
12 vehicle not equipped with an ignition interlock device at the
13 time of the offense shall be guilty of a Class 4 felony and
14 shall serve a minimum term of imprisonment of 30 days.

15 (c-5) Any person convicted of a second violation of this
16 Section is guilty of a Class 2 felony, is not eligible for
17 probation or conditional discharge, and shall serve a mandatory
18 term of imprisonment, if the revocation or suspension was for a
19 violation of Section 9-3 of the Criminal Code of 1961, relating
20 to the offense of reckless homicide, or a similar out-of-state
21 offense.

22 (d) Any person convicted of a second violation of this
23 Section shall be guilty of a Class 4 felony and shall serve a
24 minimum term of imprisonment of 30 days or 300 hours of
25 community service, as determined by the court, if the original
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, or a statutory summary
3 suspension under Section 11-501.1 of this Code.

4 (d-1) Except as provided in subsections (d-2), (d-2.5), and
5 (d-3), any person convicted of a third or subsequent violation
6 of this Section shall serve a minimum term of imprisonment of
7 30 days or 300 hours of community service, as determined by the
8 court.

9 (d-2) Any person convicted of a third violation of this
10 Section is guilty of a Class 4 felony and must serve a minimum
11 term of imprisonment of 30 days if the revocation or suspension
12 was for a violation of Section 11-401 or 11-501 of this Code,
13 or a similar out-of-state offense, or a similar provision of a
14 local ordinance, or a statutory summary suspension under
15 Section 11-501.1 of this Code.

16 (d-2.5) Any person convicted of a third violation of this
17 Section is guilty of a Class 1 felony, is not eligible for
18 probation or conditional discharge, and must serve a mandatory
19 term of imprisonment if the revocation or suspension was for a
20 violation of Section 9-3 of the Criminal Code of 1961, relating
21 to the offense of reckless homicide, or a similar out-of-state
22 offense. The person's driving privileges shall be revoked for
23 the remainder of the person's life.

24 (d-3) Any person convicted of a fourth, fifth, sixth,
25 seventh, eighth, or ninth violation of this Section is guilty
26 of a Class 4 felony and must serve a minimum term of

1 imprisonment of 180 days if the revocation or suspension was
2 for a violation of Section 11-401 or 11-501 of this Code, or a
3 similar out-of-state offense, or a similar provision of a local
4 ordinance, or a statutory summary suspension under Section
5 11-501.1 of this Code.

6 (d-3.5) Any person convicted of a fourth or subsequent
7 violation of this Section is guilty of a Class 1 felony, is not
8 eligible for probation or conditional discharge, and must serve
9 a mandatory term of imprisonment, and is eligible for an
10 extended term, if the revocation or suspension was for a
11 violation of Section 9-3 of the Criminal Code of 1961, relating
12 to the offense of reckless homicide, or a similar out-of-state
13 offense.

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

22 (d-5) Any person convicted of a fifteenth or subsequent
23 violation of this Section is guilty of a Class 2 felony, and is
24 not eligible for probation or conditional discharge, if the
25 revocation or suspension was for a violation of Section 11-401
26 or 11-501 of this Code, or a similar out-of-state offense, or a

1 similar provision of a local ordinance, or a statutory summary
2 suspension under Section 11-501.1 of this Code.

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

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

15 (g) The motor vehicle used in a violation of this Section
16 is subject to seizure and forfeiture as provided in Sections
17 36-1 and 36-2 of the Criminal Code of 1961 if the person's
18 driving privilege was revoked or suspended as a result of a
19 violation listed in paragraph (1) or (2) of subsection (c) of
20 this Section, as a result of a summary suspension as provided
21 in paragraph (3) of subsection (c) of this Section, or as a
22 result of a violation of Section 9-3 of the Criminal Code of
23 1961 relating to the offense of reckless homicide.

24 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,
25 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,
26 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09; revised

1 9-15-09.)

2 (625 ILCS 5/6-304.1) (from Ch. 95 1/2, par. 6-304.1)

3 Sec. 6-304.1. Permitting a person under the influence to
4 drive or operate a motor vehicle, snowmobile, or watercraft.

5 (a) Permitting a driver under the influence to operate a
6 motor vehicle. No person shall knowingly cause, authorize, or
7 permit a motor vehicle owned by, or under the control of, such
8 person to be driven or operated upon a highway by anyone who is
9 under the influence of alcohol, any amount of a drug,
10 substance, or compound resulting from the unlawful use or
11 consumption of cannabis as covered by the Cannabis Control Act,
12 a controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act, or any
16 other drugs, or combination thereof. This provision shall not
17 apply to a spouse of the person who owns or has control of, or a
18 co-owner of, a motor vehicle or to a bailee for hire.

19 (b) No person shall knowingly cause, authorize or permit a
20 snowmobile or watercraft owned by, or under the control of,
21 such person to be driven or operated within this State by
22 anyone who is under the influence of alcohol, any amount of a
23 drug, substance, or compound resulting from the unlawful use or
24 consumption of cannabis as covered by the Cannabis Control Act,
25 a controlled substance listed in the Illinois Controlled

1 Substances Act, an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act, or any
4 combination thereof. This provision shall not apply to a spouse
5 of the person who owns or has control of, or a co-owner of, a
6 snowmobile or watercraft.

7 (c) Any person convicted of violating this Section shall be
8 guilty of a Class A misdemeanor.

9 (Source: P.A. 84-1394.)

10 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

11 Sec. 6-514. Commercial Driver's License (CDL) -
12 Disqualifications.

13 (a) A person shall be disqualified from driving a
14 commercial motor vehicle for a period of not less than 12
15 months for the first violation of:

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

21 (2) ~~Driving~~ Operating a commercial motor vehicle while
22 the alcohol concentration of the person's blood, breath or
23 urine is at least 0.04, or any amount of a drug, substance,
24 or compound in the person's blood or urine resulting from
25 the unlawful use or consumption of cannabis listed in the

1 Cannabis Control Act, a controlled substance listed in the
2 Illinois Controlled Substances Act, or methamphetamine as
3 listed in the Methamphetamine Control and Community
4 Protection Act as indicated by a police officer's sworn
5 report or other verified evidence; or driving ~~operating~~ a
6 non-commercial motor vehicle while the alcohol
7 concentration of the person's blood, breath, or urine was
8 above the legal limit defined in Section 11-501.1, 11-501.6,
9 11-501.6, or 11-501.8 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 while holding a
17 commercial driver's license; or

18 (3) Conviction for a first violation of:

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

24 (ii) Knowingly and wilfully leaving the scene of an
25 accident while driving ~~operating~~ a commercial motor
26 vehicle or, if the driver is a CDL holder, while

1 driving a non-CMV; or

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

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

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

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

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

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

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

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

26 (e) A person is disqualified from driving a commercial

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

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

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

1 period of disqualification.

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

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

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

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

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

25 (3) For 3 years upon a third or subsequent conviction
26 of paragraph (2) of subsection (b) or subsection (b-3) or

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

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

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

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

22 (j) Disqualification for railroad-highway grade crossing
23 violation.

24 (1) General rule. A driver who is convicted of a
25 violation of a federal, State, or local law or regulation
26 pertaining to one of the following 6 offenses at a

1 railroad-highway grade crossing must be disqualified from
2 driving ~~operating~~ a commercial motor vehicle for the period
3 of time specified in paragraph (2) of this subsection (j)
4 if the offense was committed while driving ~~operating~~ a
5 commercial motor vehicle:

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

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

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

17 (iv) For all drivers, failing to have sufficient
18 space to drive completely through the crossing without
19 stopping, as described in subsection (b) of Section
20 11-1425 of this Code;

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

25 (vi) For all drivers, failing to negotiate a
26 crossing because of insufficient undercarriage

1 clearance, as described in subsection (d-1) of Section
2 11-1201 of this Code.

3 (2) Duration of disqualification for railroad-highway
4 grade crossing violation.

5 (i) First violation. A driver must be disqualified
6 from driving ~~operating~~ a commercial motor vehicle for
7 not less than 60 days if the driver is convicted of a
8 violation described in paragraph (1) of this
9 subsection (j) and, in the three-year period preceding
10 the conviction, the driver had no convictions for a
11 violation described in paragraph (1) of this
12 subsection (j).

13 (ii) Second violation. A driver must be
14 disqualified from driving ~~operating~~ a commercial motor
15 vehicle for not less than 120 days if the driver is
16 convicted of a violation described in paragraph (1) of
17 this subsection (j) and, in the three-year period
18 preceding the conviction, the driver had one other
19 conviction for a violation described in paragraph (1)
20 of this subsection (j) that was committed in a separate
21 incident.

22 (iii) Third or subsequent violation. A driver must
23 be disqualified from driving ~~operating~~ a commercial
24 motor vehicle for not less than one year if the driver
25 is convicted of a violation described in paragraph (1)
26 of this subsection (j) and, in the three-year period

1 preceding the conviction, the driver had 2 or more
2 other convictions for violations described in
3 paragraph (1) of this subsection (j) that were
4 committed in separate incidents.

5 (k) Upon notification of a disqualification of a driver's
6 commercial motor vehicle privileges imposed by the U.S.
7 Department of Transportation, Federal Motor Carrier Safety
8 Administration, in accordance with 49 C.F.R. 383.52, the
9 Secretary of State shall immediately record to the driving
10 record the notice of disqualification and confirm to the driver
11 the action that has been taken.

12 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10.)

13 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

14 Sec. 11-501. Driving or operating while under the influence
15 of alcohol, other drug or drugs, intoxicating compound or
16 compounds or any combination thereof.

17 (a) A person shall not drive, operate, or be in actual
18 physical control of any vehicle, snowmobile, or watercraft
19 within this State while:

20 (1) the alcohol concentration in the person's blood or
21 breath is 0.08 or more based on the definition of blood and
22 breath units in Section 11-501.2;

23 (2) under the influence of alcohol;

24 (3) under the influence of any intoxicating compound or
25 combination of intoxicating compounds to a degree that

1 renders the person incapable of driving a vehicle,
2 operating a snowmobile, or operating a watercraft safely;

3 (4) under the influence of any other drug or
4 combination of drugs to a degree that renders the person
5 incapable of ~~safely~~ driving a vehicle, operating a
6 snowmobile, or operating a watercraft safely;

7 (5) under the combined influence of alcohol, other drug
8 or drugs, or intoxicating compound or compounds to a degree
9 that renders the person incapable of ~~safely~~ driving a
10 vehicle, operating a snowmobile, or operating a watercraft
11 safely; or

12 (6) there is any amount of a drug, substance, or
13 compound in the person's breath, blood, or urine resulting
14 from the unlawful use or consumption of cannabis listed in
15 the Cannabis Control Act, a controlled substance listed in
16 the Illinois Controlled Substances Act, an intoxicating
17 compound listed in the Use of Intoxicating Compounds Act,
18 or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act.

20 (b) The fact that any person charged with violating this
21 Section is or has been legally entitled to use alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or any
23 combination thereof, shall not constitute a defense against any
24 charge of violating this Section.

25 (c) Penalties.

26 (1) Except as otherwise provided in this Section, any

1 person convicted of violating subsection (a) of this
2 Section is guilty of a Class A misdemeanor.

3 (2) A person who violates subsection (a) or a similar
4 provision a second time shall be sentenced to a mandatory
5 minimum term of either 5 days of imprisonment or 240 hours
6 of community service in addition to any other criminal or
7 administrative sanction.

8 (3) A person who violates subsection (a) is subject to
9 6 months of imprisonment, an additional mandatory minimum
10 fine of \$1,000, and 25 days of community service in a
11 program benefiting children if the person was transporting
12 a person under the age of 16 at the time of the violation.

13 (4) A person who violates subsection (a) a first time,
14 if the alcohol concentration in his or her blood, breath,
15 or urine was 0.16 or more based on the definition of blood,
16 breath, or urine units in Section 11-501.2, shall be
17 subject, in addition to any other penalty that may be
18 imposed, to a mandatory minimum of 100 hours of community
19 service and a mandatory minimum fine of \$500.

20 (5) A person who violates subsection (a) a second time,
21 if at the time of the second violation the alcohol
22 concentration in his or her blood, breath, or urine was
23 0.16 or more based on the definition of blood, breath, or
24 urine units in Section 11-501.2, shall be subject, in
25 addition to any other penalty that may be imposed, to a
26 mandatory minimum of 2 days of imprisonment and a mandatory

1 minimum fine of \$1,250.

2 (d) Aggravated driving or operating under the influence of
3 alcohol, other drug or drugs, or intoxicating compound or
4 compounds, or any combination thereof.

5 (1) Every person convicted of committing a violation of
6 this Section shall be guilty of aggravated driving or
7 operating under the influence of alcohol, other drug or
8 drugs, or intoxicating compound or compounds, or any
9 combination thereof if:

10 (A) the person committed a violation of subsection
11 (a) or a similar provision for the third or subsequent
12 time;

13 (B) the person committed a violation of subsection
14 (a) while driving a school bus with persons 18 years of
15 age or younger on board;

16 (C) the person in committing a violation of
17 subsection (a) was involved in a motor vehicle, l
18 snowmobile, or watercraft accident that resulted in
19 great bodily harm or permanent disability or
20 disfigurement to another, when the violation was a
21 proximate cause of the injuries;

22 (D) the person committed a violation of subsection
23 (a) and has been previously convicted of violating
24 Section 9-3 of the Criminal Code of 1961 or a similar
25 provision of a law of another state relating to
26 reckless homicide in which the person was determined to

1 have been under the influence of alcohol, other drug or
2 drugs, or intoxicating compound or compounds as an
3 element of the offense or the person has previously
4 been convicted under subparagraph (C) or subparagraph
5 (F) of this paragraph (1);

6 (E) the person, in committing a violation of
7 subsection (a) while driving at any speed in a school
8 speed zone at a time when a speed limit of 20 miles per
9 hour was in effect under subsection (a) of Section
10 11-605 of this Code, was involved in a motor vehicle
11 accident that resulted in bodily harm, other than great
12 bodily harm or permanent disability or disfigurement,
13 to another person, when the violation of subsection (a)
14 was a proximate cause of the bodily harm;

15 (F) the person, in committing a violation of
16 subsection (a), was involved in a motor vehicle,
17 snowmobile, all-terrain vehicle, or watercraft
18 accident that resulted in the death of another person,
19 when the violation of subsection (a) was a proximate
20 cause of the death;

21 (G) the person committed a violation of subsection
22 (a) during a period in which the defendant's driving
23 privileges are revoked or suspended, where the
24 revocation or suspension was for a violation of
25 subsection (a) or a similar provision, Section
26 11-501.1, paragraph (b) of Section 11-401, or for

1 reckless homicide as defined in Section 9-3 of the
2 Criminal Code of 1961;

3 (H) the person committed the violation while he or
4 she did not possess a driver's license or permit or a
5 restricted driving permit or a judicial driving permit
6 or a monitoring device driving permit as required by
7 law;

8 (I) the person committed the violation while he or
9 she knew or should have known that the vehicle he or
10 she was driving was not covered by a liability
11 insurance policy;

12 (J) the person in committing a violation of
13 subsection (a) was involved in a motor vehicle, l
14 snowmobile, or watercraft accident that resulted in
15 bodily harm, but not great bodily harm, to the child
16 under the age of 16 being transported by the person, if
17 the violation was the proximate cause of the injury; or

18 (K) the person in committing a second violation of
19 subsection (a) or a similar provision was transporting
20 a person under the age of 16.

21 (2) (A) Except as provided otherwise, a person
22 convicted of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof is guilty of a Class
25 4 felony.

26 (B) A third violation of this Section or a similar

1 provision is a Class 2 felony. If at the time of the third
2 violation the alcohol concentration in his or her blood,
3 breath, or urine was 0.16 or more based on the definition
4 of blood, breath, or urine units in Section 11-501.2, a
5 mandatory minimum of 90 days of imprisonment and a
6 mandatory minimum fine of \$2,500 shall be imposed in
7 addition to any other criminal or administrative sanction.
8 If at the time of the third violation, the defendant was
9 transporting a person under the age of 16, a mandatory fine
10 of \$25,000 and 25 days of community service in a program
11 benefiting children shall be imposed in addition to any
12 other criminal or administrative sanction.

13 (C) A fourth violation of this Section or a similar
14 provision is a Class 2 felony, for which a sentence of
15 probation or conditional discharge may not be imposed. If
16 at the time of the violation, the alcohol concentration in
17 the defendant's blood, breath, or urine was 0.16 or more
18 based on the definition of blood, breath, or urine units in
19 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
20 be imposed in addition to any other criminal or
21 administrative sanction. If at the time of the fourth
22 violation, the defendant was transporting a person under
23 the age of 16 a mandatory fine of \$25,000 and 25 days of
24 community service in a program benefiting children shall be
25 imposed in addition to any other criminal or administrative
26 sanction.

1 (D) A fifth violation of this Section or a similar
2 provision is a Class 1 felony, for which a sentence of
3 probation or conditional discharge may not be imposed. If
4 at the time of the violation, the alcohol concentration in
5 the defendant's blood, breath, or urine was 0.16 or more
6 based on the definition of blood, breath, or urine units in
7 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
8 be imposed in addition to any other criminal or
9 administrative sanction. If at the time of the fifth
10 violation, the defendant was transporting a person under
11 the age of 16, a mandatory fine of \$25,000, and 25 days of
12 community service in a program benefiting children shall be
13 imposed in addition to any other criminal or administrative
14 sanction.

15 (E) A sixth or subsequent violation of this Section or
16 similar provision is a Class X felony. If at the time of
17 the violation, the alcohol concentration in the
18 defendant's blood, breath, or urine was 0.16 or more based
19 on the definition of blood, breath, or urine units in
20 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
21 be imposed in addition to any other criminal or
22 administrative sanction. If at the time of the violation,
23 the defendant was transporting a person under the age of
24 16, a mandatory fine of \$25,000 and 25 days of community
25 service in a program benefiting children shall be imposed
26 in addition to any other criminal or administrative

1 sanction.

2 (F) For a violation of subparagraph (C) of paragraph
3 (1) of this subsection (d), the defendant, if sentenced to
4 a term of imprisonment, shall be sentenced to not less than
5 one year nor more than 12 years.

6 (G) A violation of subparagraph (F) of paragraph (1) of
7 this subsection (d) is a Class 2 felony, for which the
8 defendant, unless the court determines that extraordinary
9 circumstances exist and require probation, shall be
10 sentenced to: (i) a term of imprisonment of not less than 3
11 years and not more than 14 years if the violation resulted
12 in the death of one person; or (ii) a term of imprisonment
13 of not less than 6 years and not more than 28 years if the
14 violation resulted in the deaths of 2 or more persons.

15 (H) For a violation of subparagraph (J) of paragraph
16 (1) of this subsection (d), a mandatory fine of \$2,500, and
17 25 days of community service in a program benefiting
18 children shall be imposed in addition to any other criminal
19 or administrative sanction.

20 (I) A violation of subparagraph (K) of paragraph (1) of
21 this subsection (d), is a Class 2 felony and a mandatory
22 fine of \$2,500, and 25 days of community service in a
23 program benefiting children shall be imposed in addition to
24 any other criminal or administrative sanction. If the child
25 being transported suffered bodily harm, but not great
26 bodily harm, in a motor vehicle, snowmobile, or watercraft

1 accident, and the violation was the proximate cause of that
2 injury, a mandatory fine of \$5,000 and 25 days of community
3 service in a program benefiting children shall be imposed
4 in addition to any other criminal or administrative
5 sanction.

6 (J) A violation of subparagraph (D) of paragraph (1) of
7 this subsection (d) is a Class 3 felony, for which a
8 sentence of probation or conditional discharge may not be
9 imposed.

10 (3) Any person sentenced under this subsection (d) who
11 receives a term of probation or conditional discharge must
12 serve a minimum term of either 480 hours of community
13 service or 10 days of imprisonment as a condition of the
14 probation or conditional discharge in addition to any other
15 criminal or administrative sanction.

16 (e) Any reference to a prior violation of subsection (a) or
17 a similar provision includes any violation of a provision of a
18 local ordinance or a provision of a law of another state or an
19 offense committed on a military installation that is similar to
20 a violation of subsection (a) of this Section.

21 (f) The imposition of a mandatory term of imprisonment or
22 assignment of community service for a violation of this Section
23 shall not be suspended or reduced by the court.

24 (g) Any penalty imposed for driving with a license that has
25 been revoked for a previous violation of subsection (a) of this
26 Section shall be in addition to the penalty imposed for any

1 subsequent violation of subsection (a).

2 (h) For any prosecution under this Section, a certified
3 copy of the driving abstract of the defendant shall be admitted
4 as proof of any prior conviction.

5 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
6 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;
7 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

8 (625 ILCS 5/11-501.01)

9 Sec. 11-501.01. Additional administrative sanctions.

10 (a) After a finding of guilt and prior to any final
11 sentencing or an order for supervision, for an offense based
12 upon an arrest for a violation of Section 11-501 or a similar
13 provision of a local ordinance, individuals shall be required
14 to undergo a professional evaluation to determine if an
15 alcohol, drug, or intoxicating compound abuse problem exists
16 and the extent of the problem, and undergo the imposition of
17 treatment as appropriate. Programs conducting these
18 evaluations shall be licensed by the Department of Human
19 Services. The cost of any professional evaluation shall be paid
20 for by the individual required to undergo the professional
21 evaluation.

22 (b) Any person who is found guilty of or pleads guilty to
23 violating Section 11-501, including any person receiving a
24 disposition of court supervision for violating that Section,
25 may be required by the Court to attend a victim impact panel

1 offered by, or under contract with, a county State's Attorney's
2 office, a probation and court services department, Mothers
3 Against Drunk Driving, or the Alliance Against Intoxicated
4 Motorists. All costs generated by the victim impact panel shall
5 be paid from fees collected from the offender or as may be
6 determined by the court.

7 (c) Every person found guilty of violating Section 11-501,
8 whose operation of a motor vehicle, snowmobile, or watercraft
9 while in violation of that Section proximately caused any
10 incident resulting in an appropriate emergency response, shall
11 be liable for the expense of an emergency response as provided
12 in subsection (i) of this Section.

13 (d) (Blank). ~~The Secretary of State shall revoke the~~
14 ~~driving privileges of any person convicted under Section 11-501~~
15 ~~or a similar provision of a local ordinance.~~

16 (e) The Secretary of State shall require the use of
17 ignition interlock devices on all motor vehicles owned by a
18 person who has been convicted of a second or subsequent offense
19 of Section 11-501 or a similar provision of a local ordinance.
20 The person must pay to the Secretary of State DUI
21 Administration Fund an amount not to exceed \$30 for each month
22 that he or she uses the device. The Secretary shall establish
23 by rule and regulation the procedures for certification and use
24 of the interlock system, the amount of the fee, and the
25 procedures, terms, and conditions relating to these fees.

26 (f) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating
2 Section 11-501, including any person placed on court
3 supervision for violating Section 11-501, shall be assessed
4 \$500, payable to the circuit clerk, who shall distribute the
5 money as follows: 20% to the law enforcement agency that made
6 the arrest, and 80% shall be forwarded to the State Treasurer
7 for deposit into the General Revenue Fund. If the person has
8 been previously convicted of violating Section 11-501 or a
9 similar provision of a local ordinance, the fine shall be
10 \$1,000. In the event that more than one agency is responsible
11 for the arrest, the amount payable to law enforcement agencies
12 shall be shared equally. Any moneys received by a law
13 enforcement agency under this subsection (f) shall be used to
14 purchase law enforcement equipment that will assist in the
15 prevention of alcohol related criminal violence throughout the
16 State. This shall include, but is not limited to, in-car video
17 cameras, radar and laser speed detection devices, and alcohol
18 breath testers. Any moneys received by the Department of State
19 Police under this subsection (f) shall be deposited into the
20 State Police DUI Fund and shall be used to purchase law
21 enforcement equipment that will assist in the prevention of
22 alcohol related criminal violence throughout the State.

23 (g) The Secretary of State Police DUI Fund is created as a
24 special fund in the State treasury. All moneys received by the
25 Secretary of State Police under subsection (f) of this Section
26 shall be deposited into the Secretary of State Police DUI Fund

1 and, subject to appropriation, shall be used to purchase law
2 enforcement equipment to assist in the prevention of alcohol
3 related criminal violence throughout the State.

4 (h) Whenever an individual is sentenced for an offense
5 based upon an arrest for a violation of Section 11-501 or a
6 similar provision of a local ordinance, and the professional
7 evaluation recommends remedial or rehabilitative treatment or
8 education, neither the treatment nor the education shall be the
9 sole disposition and either or both may be imposed only in
10 conjunction with another disposition. The court shall monitor
11 compliance with any remedial education or treatment
12 recommendations contained in the professional evaluation.
13 Programs conducting alcohol or other drug evaluation or
14 remedial education must be licensed by the Department of Human
15 Services. If the individual is not a resident of Illinois,
16 however, the court may accept an alcohol or other drug
17 evaluation or remedial education program in the individual's
18 state of residence. Programs providing treatment must be
19 licensed under existing applicable alcoholism and drug
20 treatment licensure standards.

21 (i) In addition to any other fine or penalty required by
22 law, an individual convicted of a violation of Section 11-501,
23 Section 5-7 of the Snowmobile Registration and Safety Act prior
24 to the effective date of this amendatory Act of the 96th
25 General Assembly, Section 5-16 of the Boat Registration and
26 Safety Act prior to the effective date of this amendatory Act

1 of the 96th General Assembly, or a similar provision, whose
2 operation of a motor vehicle, snowmobile, or watercraft while
3 in violation of Section 11-501, Section 5-7 of the Snowmobile
4 Registration and Safety Act prior to the effective date of this
5 amendatory Act of the 96th General Assembly, Section 5-16 of
6 the Boat Registration and Safety Act prior to the effective
7 date of this amendatory Act of the 96th General Assembly, or a
8 similar provision proximately caused an incident resulting in
9 an appropriate emergency response, shall be required to make
10 restitution to a public agency for the costs of that emergency
11 response. The restitution may not exceed \$1,000 per public
12 agency for each emergency response. As used in this subsection
13 (i), "emergency response" means any incident requiring a
14 response by a police officer, a firefighter carried on the
15 rolls of a regularly constituted fire department, or an
16 ambulance.

17 (Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09.)

18 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

19 Sec. 11-501.1. Suspension of drivers license, snowmobile
20 operating privileges, and watercraft operating privileges;
21 ~~statutory summary alcohol, other drug or drugs, or intoxicating~~
22 ~~compound or compounds related~~ suspension; implied consent.

23 (a) Any person who (1) drives or is in actual physical
24 control of a motor vehicle upon the public highways of this
25 State, (2) operates or is in actual physical control of a

1 snowmobile in this State, or (3) operates or is in actual
2 physical control of any watercraft upon the waters of this
3 State shall be deemed to have given consent, subject to the
4 provisions of Section 11-501.2, to a chemical test or tests of
5 blood, breath, or urine for the purpose of determining the
6 content of alcohol, other drug or drugs, or intoxicating
7 compound or compounds or any combination thereof in the
8 person's blood if arrested, as evidenced by the issuance of a
9 Uniform Traffic Ticket or Illinois Conservation Citation and
10 Complaint, for any offense as defined in Section 11-501 or a
11 similar provision of a local ordinance, or if arrested for
12 violating Section 11-401.

13 (1) The test or tests shall be administered at the
14 direction of the arresting officer. The law enforcement
15 agency employing the officer shall designate which of the
16 aforesaid tests shall be administered. A urine test may be
17 administered even after a blood or breath test or both has
18 been administered.

19 (2) For purposes of this Section, an Illinois law
20 enforcement officer of this State who is investigating the
21 person for any offense defined in Section 11-501 may travel
22 into an adjoining state, where the person has been
23 transported for medical care, to complete an investigation
24 and to request that the person submit to the test or tests
25 set forth in this Section. The requirements of this Section
26 that the person be arrested are inapplicable, but the

1 officer shall issue the person a Uniform Traffic Ticket or
2 Illinois Conservation Citation and Complaint for an
3 offense as defined in Section 11-501 or a similar provision
4 of a local ordinance prior to requesting that the person
5 submit to the test or tests. The issuance of the Uniform
6 Traffic Ticket or Illinois Conservation Citation and
7 Complaint shall not constitute an arrest, but shall be for
8 the purpose of notifying the person that he or she is
9 subject to the provisions of this Section and of the
10 officer's belief of the existence of probable cause to
11 arrest. Upon returning to this State, the officer shall
12 file the Uniform Traffic Ticket or Illinois Conservation
13 Citation and Complaint with the Circuit Clerk of the county
14 where the offense was committed, and shall seek the
15 issuance of an arrest warrant or a summons for the person.

16 (b) Any person who is dead, unconscious, or who is
17 otherwise in a condition rendering the person incapable of
18 refusal, shall be deemed not to have withdrawn the consent
19 provided by paragraph (a) of this Section and the test or tests
20 may be administered, subject to the provisions of Section
21 11-501.2.

22 (c) A person requested to submit to a test as provided
23 above who was driving or in actual physical control of a motor
24 vehicle on the public highways shall be warned by the law
25 enforcement officer requesting the test that a refusal to
26 submit to the test or if the person submits to a test or tests

1 provided in paragraph (a) of this Section that discloses an
2 alcohol concentration in the person's blood or breath of 0.08
3 or greater, or any amount of a drug, substance, or compound
4 resulting from the unlawful use or consumption of cannabis as
5 covered by the Cannabis Control Act, a controlled substance
6 listed in the Illinois Controlled Substances Act, an
7 intoxicating compound listed in the Use of Intoxicating
8 Compounds Act, or methamphetamine as listed in the
9 Methamphetamine Control and Community Protection Act is
10 detected in the person's blood or urine will result in the
11 statutory summary suspension of the person's privilege to drive
12 ~~operate~~ a motor vehicle, operate a snowmobile, and operate a
13 watercraft, as provided in Section 6-208.1 of this Code, and
14 will also result in the disqualification of the person's
15 privilege to drive ~~operate~~ a commercial motor vehicle, as
16 provided in Section 6-514 of this Code, if the person is a CDL
17 holder. ~~The person shall also be warned by the law enforcement~~
18 ~~officer that if the person submits to the test or tests~~
19 ~~provided in paragraph (a) of this Section and the alcohol~~
20 ~~concentration in the person's blood or breath is 0.08 or~~
21 ~~greater, or any amount of a drug, substance, or compound~~
22 ~~resulting from the unlawful use or consumption of cannabis as~~
23 ~~covered by the Cannabis Control Act, a controlled substance~~
24 ~~listed in the Illinois Controlled Substances Act, an~~
25 ~~intoxicating compound listed in the Use of Intoxicating~~
26 ~~Compounds Act, or methamphetamine as listed in the~~

1 ~~Methamphetamine Control and Community Protection Act is~~
2 ~~detected in the person's blood or urine, a statutory summary~~
3 ~~suspension of the person's privilege to operate a motor~~
4 ~~vehicle, as provided in Sections 6-208.1 and 11-501.1 of this~~
5 ~~Code, and a disqualification of the person's privilege to~~
6 ~~operate a commercial motor vehicle, as provided in Section~~
7 ~~6-514 of this Code, if the person is a CDL holder, will be~~
8 ~~imposed.~~

9 (c-2) A person requested to submit to a test as provided
10 above who was operating a snowmobile or watercraft on public
11 property shall be warned by the law enforcement officer
12 requesting the test that a refusal to submit to the test or if
13 the person submits to the test or tests provided in paragraph
14 (a) of this Section that discloses an alcohol concentration in
15 the person's blood or breath of 0.08 or greater, or any amount
16 of a drug, substance, or compound resulting from the unlawful
17 use or consumption of cannabis as covered by the Cannabis
18 Control Act, a controlled substance listed in the Illinois
19 Controlled Substances Act, an intoxicating compound listed in
20 the Use of Intoxicating Compounds Act, or methamphetamine as
21 listed in the Methamphetamine Control and Community Protection
22 Act is detected in the person's blood or urine will result in
23 the statutory summary suspension of the person's privilege to
24 drive a motor vehicle, operate a snowmobile, and operate a
25 watercraft as provided in Section 6-208.1 of this Code.

26 (c-4) A person requested to submit to a test as provided

1 above who was operating a snowmobile or watercraft on private
2 property shall be warned by the law enforcement officer
3 requesting the test that a refusal to submit to the test or if
4 the person submits to the test or tests provided in paragraph
5 (a) of this Section that discloses an alcohol concentration of
6 the person's blood or breath is 0.08 or greater, or any amount
7 of a drug, substance, or compound resulting from the unlawful
8 use or consumption of cannabis as covered by the Cannabis
9 Control Act, a controlled substance listed in the Illinois
10 Controlled Substances Act, an intoxicating compound listed in
11 the Use of Intoxicating Compounds Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community Protection
13 Act is detected in the person's blood or urine will result in
14 the statutory summary suspension of the person's privilege to
15 operate a snowmobile and watercraft as provided in Section
16 6-208.1 of this Code.

17 (c-6) A person who is under the age of 21 at the time the
18 person is requested to submit to a test as provided above
19 shall, in addition to the warnings provided for in this
20 Section, be further warned by the law enforcement officer
21 requesting the test that if the person submits to the test or
22 tests provided in paragraph (a) of this Section and the alcohol
23 concentration in the person's blood or breath is greater than
24 0.00 and less than 0.08, a suspension of the person's privilege
25 to ~~drive operate~~ operate a motor vehicle, operate a snowmobile, and
26 operate a watercraft, as provided under Sections 6-208.2 and

1 11-501.8 of this Code, will be imposed.

2 (c-8) The results of a ~~this~~ test administered under this
3 Section shall be admissible in a civil or criminal action or
4 proceeding arising from an arrest for an offense as defined in
5 Section 11-501 of this Code or a similar provision of a local
6 ordinance or pursuant to Section 11-501.4 in prosecutions for
7 reckless homicide brought under the Criminal Code of 1961.
8 These test results, however, shall be admissible only in
9 actions or proceedings directly related to the incident upon
10 which the test request was made.

11 (d) If the person refuses testing or submits to a test that
12 discloses an alcohol concentration of 0.08 or more, or any
13 amount of a drug, substance, or intoxicating compound in the
14 person's breath, blood, or urine resulting from the unlawful
15 use or consumption of cannabis listed in the Cannabis Control
16 Act, a controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use of
18 Intoxicating Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, the law
20 enforcement officer shall immediately submit a sworn report to
21 the circuit court of venue, the Department of Natural
22 Resources, and the Secretary of State, certifying that the test
23 or tests was or were requested under paragraph (a) and the
24 person refused to submit to a test, or tests, or submitted to
25 testing that disclosed an alcohol concentration of 0.08 or
26 more.

1 (e) Upon receipt of the sworn report of a law enforcement
2 officer submitted under paragraph (d), the Secretary of State
3 shall enter the statutory summary suspension and, if
4 applicable, disqualification of driving privileges if the
5 sworn reports indicates the offense occurred on public
6 property, and the Department of Natural Resources shall enter
7 the statutory summary suspension of snowmobile and watercraft
8 privileges for the periods specified in Sections 6-208.1 and
9 6-514, respectively, and effective as provided in paragraph
10 (g). Upon receipt of the sworn report of a law enforcement
11 officer submitted under paragraph (d) indicating the offense
12 took place on private property, the Secretary of State shall
13 not enter a statutory summary suspension of driving privileges,
14 but the Department of Natural Resources shall enter the
15 statutory summary suspension of snowmobile and watercraft
16 operating privileges for the period of time specified in
17 Section 6-208.1.

18 If the person is a first offender as defined in Section
19 11-500 of this Code, and is not convicted of a violation of
20 Section 11-501 of this Code or a similar provision of a local
21 ordinance, then reports received by the Secretary of State and
22 the Department of Natural Resources under this Section shall,
23 except during the actual time the statutory summary suspension
24 ~~Statutory Summary Suspension~~ is in effect, be privileged
25 information and for use only by the courts, police officers,
26 prosecuting authorities, the Department of Natural Resources,

1 or the Secretary of State. However, beginning January 1, 2008,
2 if the person is a CDL holder, the statutory summary suspension
3 shall also be made available to the driver licensing
4 administrator of any other state, the U.S. Department of
5 Transportation, and the affected driver or motor carrier or
6 prospective motor carrier upon request. Reports received by the
7 Secretary of State under this Section shall also be made
8 available to the parent or guardian of a person under the age
9 of 18 years that holds an instruction permit or a graduated
10 driver's license, regardless of whether the statutory summary
11 suspension is in effect.

12 (f) The law enforcement officer submitting the sworn report
13 under paragraph (d) shall serve immediate notice of the
14 statutory summary suspension on the person and the suspension
15 and, if applicable, disqualification shall be effective as
16 provided in paragraph (g). In cases where the blood alcohol
17 concentration of 0.08 or greater or any amount of a drug,
18 substance, or compound resulting from the unlawful use or
19 consumption of cannabis as covered by the Cannabis Control Act,
20 a controlled substance listed in the Illinois Controlled
21 Substances Act, an intoxicating compound listed in the Use of
22 Intoxicating Compounds Act, or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act is
24 established by a subsequent analysis of blood or urine
25 collected at the time of arrest, the arresting officer or
26 arresting agency shall give notice as provided in this Section

1 or by deposit in the United States mail of the notice in an
2 envelope with postage prepaid and addressed to the person at
3 his address as shown on the Uniform Traffic Ticket or Illinois
4 Conservation Citation and Complaint and the statutory summary
5 suspension and, if applicable, disqualification shall begin as
6 provided in paragraph (g). The officer shall confiscate any
7 Illinois driver's license or permit on the person at the time
8 of arrest. If the person has a valid driver's license or
9 permit, the officer shall issue the person a receipt, in a form
10 prescribed by the Secretary of State, that will allow that
11 person to drive during the periods provided for in paragraph
12 (g). The officer shall immediately forward the driver's license
13 or permit to the circuit court of venue along with the sworn
14 report provided for in paragraph (d).

15 (g) The statutory summary suspension and, if applicable,
16 disqualification referred to in this Section shall take effect
17 on the 46th day following the date the notice of the statutory
18 summary suspension was given to the person.

19 (h) To provide notice to the court and the person as to
20 whether the person is a first offender, the ~~The~~ following
21 procedure shall apply whenever a person is arrested for any
22 offense as defined in Section 11-501 or a similar provision of
23 a local ordinance:

24 Upon receipt of the sworn report from the law enforcement
25 officer indicating the offense took place on public property,
26 the Secretary of State shall confirm the statutory summary

1 suspension of driving, snowmobile operating, and watercraft
2 operating privileges by mailing a notice of the effective date
3 of the suspension to the person, the Department of Natural
4 Resources, and the court of venue. If applicable, the ~~The~~
5 Secretary of State shall also mail notice of the effective date
6 of the disqualification to the person. If the sworn report from
7 the law enforcement officer indicates the offense took place on
8 private property, the Department of Natural Resources shall
9 confirm the statutory summary suspension of snowmobile and
10 watercraft privileges by mailing a notice of the effective date
11 of the suspension to the person and court of venue. However,
12 should the sworn report be defective by not containing
13 sufficient information or be completed in error, the
14 confirmation of the statutory summary suspension shall not be
15 mailed to the person or entered to the record; instead, the
16 sworn report shall be forwarded to the court of venue with a
17 copy returned to the issuing agency identifying any defect. The
18 issuing law enforcement agency may cure a sworn report returned
19 as defective by either completing a new sworn report or
20 amending the defective report. The law enforcement officer
21 shall give notice of the new or amended sworn report to the
22 person by personal service or by depositing a copy of the new
23 or amended sworn report in the United States mail with postage
24 prepaid and addressed to such person at his address as shown on
25 the Uniform Traffic Ticket or Illinois Conservation Citation
26 and Complaint. The suspension and, if applicable,

1 disqualification shall be effective on the 46th day following
2 the date notice was given.

3 (Source: P.A. 94-115, eff. 1-1-06; 95-201, eff. 1-1-08; 95-382,
4 eff. 8-23-07; 95-876, eff. 8-21-08.)

5 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

6 Sec. 11-501.2. Chemical and other tests.

7 (a) Upon the trial of any civil or criminal action or
8 proceeding arising out of an arrest for an offense as defined
9 in Section 11-501 or a similar local ordinance or proceedings
10 pursuant to Section 2-118.1, evidence of the concentration of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof in a person's blood or
13 breath at the time alleged, as determined by analysis of the
14 person's blood, urine, breath or other bodily substance, shall
15 be admissible. Where such test is made the following provisions
16 shall apply:

17 1. Chemical analyses of the person's blood, urine,
18 breath or other bodily substance to be considered valid
19 under the provisions of this Section shall have been
20 performed according to standards promulgated by the
21 Department of State Police by a licensed physician,
22 registered nurse, trained phlebotomist, certified
23 paramedic, or other individual possessing a valid permit
24 issued by that Department for this purpose. The Director of
25 State Police is authorized to approve satisfactory

1 techniques or methods, to ascertain the qualifications and
2 competence of individuals to conduct such analyses, to
3 issue permits which shall be subject to termination or
4 revocation at the discretion of that Department and to
5 certify the accuracy of breath testing equipment. The
6 Department of State Police shall prescribe regulations as
7 necessary to implement this Section.

8 2. When a person in this State shall submit to a blood
9 test at the request of a law enforcement officer under the
10 provisions of Section 11-501.1, only a physician
11 authorized to practice medicine, a registered nurse,
12 trained phlebotomist, or certified paramedic, or other
13 qualified person approved by the Department of State Police
14 may withdraw blood for the purpose of determining the
15 alcohol, drug, or alcohol and drug content therein. This
16 limitation shall not apply to the taking of breath or urine
17 specimens.

18 When a blood test of a person who has been taken to an
19 adjoining state for medical treatment is requested by an
20 Illinois law enforcement officer, the blood may be
21 withdrawn only by a physician authorized to practice
22 medicine in the adjoining state, a registered nurse, a
23 trained phlebotomist acting under the direction of the
24 physician, or certified paramedic. The law enforcement
25 officer requesting the test shall take custody of the blood
26 sample, and the blood sample shall be analyzed by a

1 laboratory certified by the Department of State Police for
2 that purpose.

3 3. The person tested may have a physician, or a
4 qualified technician, chemist, registered nurse, or other
5 qualified person of their own choosing administer a
6 chemical test or tests in addition to any administered at
7 the direction of a law enforcement officer. The failure or
8 inability to obtain an additional test by a person shall
9 not preclude the admission of evidence relating to the test
10 or tests taken at the direction of a law enforcement
11 officer.

12 4. Upon the request of the person who shall submit to a
13 chemical test or tests at the request of a law enforcement
14 officer, full information concerning the test or tests
15 shall be made available to the person or such person's
16 attorney.

17 5. Alcohol concentration shall mean either grams of
18 alcohol per 100 milliliters of blood or grams of alcohol
19 per 210 liters of breath.

20 (b) Upon the trial of any civil or criminal action or
21 proceeding arising out of acts alleged to have been committed
22 by any person while driving, operating, or in actual physical
23 control of a vehicle, snowmobile, or watercraft while under the
24 influence of alcohol, the concentration of alcohol in the
25 person's blood or breath at the time alleged as shown by
26 analysis of the person's blood, urine, breath, or other bodily

1 substance shall give rise to the following presumptions:

2 1. If there was at that time an alcohol concentration
3 of 0.05 or less, it shall be presumed that the person was
4 not under the influence of alcohol.

5 2. If there was at that time an alcohol concentration
6 in excess of 0.05 but less than 0.08, such facts shall not
7 give rise to any presumption that the person was or was not
8 under the influence of alcohol, but such fact may be
9 considered with other competent evidence in determining
10 whether the person was under the influence of alcohol.

11 3. If there was at that time an alcohol concentration
12 of 0.08 or more, it shall be presumed that the person was
13 under the influence of alcohol.

14 4. The foregoing provisions of this Section shall not
15 be construed as limiting the introduction of any other
16 relevant evidence bearing upon the question whether the
17 person was under the influence of alcohol.

18 (c) 1. If a person under arrest refuses to submit to a
19 chemical test under the provisions of Section 11-501.1,
20 evidence of refusal shall be admissible in any civil or
21 criminal action or proceeding arising out of acts alleged to
22 have been committed while the person under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof was driving, operating,
25 or in actual physical control of a motor vehicle, snowmobile,
26 or watercraft.

1 2. Notwithstanding any ability to refuse under this Code to
2 submit to these tests or any ability to revoke the implied
3 consent to these tests, if a law enforcement officer has
4 probable cause to believe that a motor vehicle, snowmobile, or
5 watercraft driven or operated by or in actual physical control
6 of a person under the influence of alcohol, other drug or
7 drugs, or intoxicating compound or compounds, or any
8 combination thereof has caused the death or personal injury to
9 another, that person shall submit, upon the request of a law
10 enforcement officer, to a chemical test or tests of his or her
11 blood, breath or urine for the purpose of determining the
12 alcohol content thereof or the presence of any other drug or
13 combination of both.

14 This provision does not affect the applicability of or
15 imposition of driver's license, snowmobile operating, or
16 watercraft operating sanctions under Section 11-501.1 of this
17 Code.

18 3. For purposes of this Section, a personal injury includes
19 any Type A injury as indicated on the traffic accident report
20 completed by a law enforcement officer that requires immediate
21 professional attention in either a doctor's office or a medical
22 facility. A Type A injury includes severe bleeding wounds,
23 distorted extremities, and injuries that require the injured
24 party to be carried from the scene.

25 (Source: P.A. 96-289, eff. 8-11-09.)

1 (625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

2 Sec. 11-501.5. Preliminary Breath Screening Test.

3 (a) If a law enforcement officer has reasonable suspicion
4 to believe that a person is violating or has violated Section
5 11-501 or a similar provision of a local ordinance, the
6 officer, prior to an arrest, may request the person to provide
7 a sample of his or her breath for a preliminary breath
8 screening test using a portable device approved by the
9 Department of State Police. The person may refuse the test. The
10 results of this preliminary breath screening test may be used
11 by the law enforcement officer for the purpose of assisting
12 with the determination of whether to require a chemical test as
13 authorized under Sections 11-501.1 and 11-501.2, and the
14 appropriate type of test to request. Any chemical test
15 authorized under Sections 11-501.1 and 11-501.2 may be
16 requested by the officer regardless of the result of the
17 preliminary breath screening test, if probable cause for an
18 arrest exists. The result of a preliminary breath screening
19 test may be used by the defendant as evidence in any
20 administrative or court proceeding involving a violation of
21 Section 11-501 or 11-501.1.

22 (b) (Blank). ~~The Department of State Police shall create a~~
23 ~~pilot program to establish the effectiveness of pupillometer~~
24 ~~technology (the measurement of the pupil's reaction to light)~~
25 ~~as a noninvasive technique to detect and measure possible~~
26 ~~impairment of any person who drives or is in actual physical~~

1 ~~control of a motor vehicle resulting from the suspected usage~~
2 ~~of alcohol, other drug or drugs, intoxicating compound or~~
3 ~~compounds or any combination thereof. This technology shall~~
4 ~~also be used to detect fatigue levels of the operator of a~~
5 ~~Commercial Motor Vehicle as defined in Section 6-500(6),~~
6 ~~pursuant to Section 18b-105 (Part 395 Hours of Service of~~
7 ~~Drivers) of the Illinois Vehicle Code. A State Police officer~~
8 ~~may request that the operator of a commercial motor vehicle~~
9 ~~have his or her eyes examined or tested with a pupillometer~~
10 ~~device. The person may refuse the examination or test. The~~
11 ~~State Police officer shall have the device readily available to~~
12 ~~limit undue delays.~~

13 ~~If a State Police officer has reasonable suspicion to~~
14 ~~believe that a person is violating or has violated Section~~
15 ~~11-501, the officer may use the pupillometer technology, when~~
16 ~~available. The officer, prior to an arrest, may request the~~
17 ~~person to have his or her eyes examined or tested with a~~
18 ~~pupillometer device. The person may refuse the examination or~~
19 ~~test. The results of this examination or test may be used by~~
20 ~~the officer for the purpose of assisting with the determination~~
21 ~~of whether to require a chemical test as authorized under~~
22 ~~Sections 11-501.1 and 11-501.2 and the appropriate type of test~~
23 ~~to request. Any chemical test authorized under Sections~~
24 ~~11-501.1 and 11-501.2 may be requested by the officer~~
25 ~~regardless of the result of the pupillometer examination or~~
26 ~~test, if probable cause for an arrest exists. The result of the~~

1 ~~examination or test may be used by the defendant as evidence in~~
2 ~~any administrative or court proceeding involving a violation of~~
3 ~~11-501 or 11-501.1.~~

4 ~~The pilot program shall last for a period of 18 months and~~
5 ~~involve the testing of 15 pupillometer devices. Within 90 days~~
6 ~~of the completion of the pilot project, the Department of State~~
7 ~~Police shall file a report with the President of the Senate and~~
8 ~~Speaker of the House evaluating the project.~~

9 (Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00; 92-16,
10 eff. 6-28-01.)

11 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

12 Sec. 11-501.6. Driver or operator involvement in personal
13 injury or fatal motor vehicle, snowmobile, or watercraft
14 accident - chemical test.

15 (a) Any person who (1) drives or is in actual physical
16 control of a motor vehicle upon the public highways of this
17 State, (2) operates or is in actual physical control of a
18 snowmobile in this State, or (3) operates or is in actual
19 physical control of a watercraft upon the waters of this State,
20 and who has been involved in a personal injury or fatal motor
21 vehicle, snowmobile, or watercraft accident, shall be deemed to
22 have given consent to a breath test using a portable device as
23 approved by the Department of State Police or to a chemical
24 test or tests of blood, breath, or urine for the purpose of
25 determining the content of alcohol, other drug or drugs, or

1 intoxicating compound or compounds of such person's blood if
2 arrested as evidenced by the issuance of a Uniform Traffic
3 Ticket or Illinois Conservation Citation and Complaint for any
4 violation of the Illinois Vehicle Code or a similar provision
5 of a local ordinance, with the exception of equipment
6 violations contained in Chapter 12 of this Code, any violation
7 of Article V of the Illinois Snowmobile Registration and Safety
8 Act, or any violation of Article V of the Illinois Boat
9 Registration and Safety Act or similar provisions of local
10 ordinances. The test or tests shall be administered at the
11 direction of the arresting officer. The law enforcement agency
12 employing the officer shall designate which of the aforesaid
13 tests shall be administered. A urine test may be administered
14 even after a blood or breath test or both has been
15 administered. Compliance with this Section does not relieve
16 such person from the requirements of Section 11-501.1 of this
17 Code.

18 (b) Any person who is dead, unconscious or who is otherwise
19 in a condition rendering such person incapable of refusal shall
20 be deemed not to have withdrawn the consent provided by
21 subsection (a) of this Section. In addition, if a driver or
22 operator of a motor vehicle, snowmobile, or watercraft is
23 receiving medical treatment as a result of a motor vehicle,
24 snowmobile, or watercraft accident, any physician licensed to
25 practice medicine, registered nurse or a phlebotomist acting
26 under the direction of a licensed physician shall withdraw

1 blood for testing purposes to ascertain the presence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, upon the specific request of a law enforcement
4 officer. However, no such testing shall be performed until, in
5 the opinion of the medical personnel on scene, the withdrawal
6 can be made without interfering with or endangering the
7 well-being of the patient.

8 (c) A person requested to submit to a test as provided
9 above, who was driving or in actual physical control a motor
10 vehicle on the public highways, shall be warned by the law
11 enforcement officer requesting the test that a refusal to
12 submit to the test, or submission to the test resulting in an
13 alcohol concentration of 0.08 or more, or any amount of a drug,
14 substance, or intoxicating compound resulting from the
15 unlawful use or consumption of cannabis, as covered by the
16 Cannabis Control Act, a controlled substance listed in the
17 Illinois Controlled Substances Act, an intoxicating compound
18 listed in the Use of Intoxicating Compounds Act, or
19 methamphetamine as listed in the Methamphetamine Control and
20 Community Protection Act as detected in such person's blood or
21 urine, may result in the suspension of such person's privilege
22 to drive ~~operate~~ a motor vehicle, operate a snowmobile, and
23 operate a watercraft and may result in the disqualification of
24 the person's privilege to drive ~~operate~~ a commercial motor
25 vehicle, as provided in Section 6-514 of this Code, if the
26 person is a CDL holder. The length of the suspension shall be

1 the same as outlined in Section 6-208.1 of this Code regarding
2 statutory summary suspensions.

3 (c-3) A person requested to submit to a test as provided
4 above, who was operating a snowmobile or watercraft on public
5 property, shall be warned by the law enforcement officer
6 requesting the test that a refusal to submit to the test, or
7 submission to the test resulting in an alcohol concentration of
8 0.08 or more, or any amount of a drug, substance, or
9 intoxicating compound resulting from the unlawful use or
10 consumption of cannabis, as covered by the Cannabis Control
11 Act, a controlled substance listed in the Illinois Controlled
12 Substances Act, an intoxicating compound listed in the Use of
13 Intoxicating Compounds Act, or methamphetamine as listed in the
14 Methamphetamine Control and Community Protection Act as
15 detected in such person's blood or urine, may result in the
16 suspension of such person's privilege to drive a motor vehicle,
17 operate a snowmobile, and operate a watercraft. The length of
18 the suspension shall be the same as outlined in Section 6-208.1
19 of this Code regarding statutory summary suspensions.

20 (c-6) A person requested to submit to a test as provided
21 above, who was operating a snowmobile or watercraft on private
22 property, shall be warned by the law enforcement officer
23 requesting the test that a refusal to submit to the test, or
24 submission to the test resulting in an alcohol concentration of
25 0.08 or more, or any amount of a drug, substance, or
26 intoxicating compound resulting from the unlawful use or

1 consumption of cannabis, as covered by the Cannabis Control
2 Act, a controlled substance listed in the Illinois Controlled
3 Substances Act, an intoxicating compound listed in the Use of
4 Intoxicating Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act as
6 detected in such person's blood or urine, may result in the
7 suspension of such person's privilege to operate a snowmobile
8 and watercraft. The length of the suspension shall be the same
9 as outlined in Section 6-208.1 of this Code regarding statutory
10 summary suspensions.

11 (d) (1) If the person refuses testing or submits to a test
12 which discloses an alcohol concentration of 0.08 or more, or
13 any amount of a drug, substance, or intoxicating compound in
14 such person's blood or urine resulting from the unlawful use or
15 consumption of cannabis listed in the Cannabis Control Act, a
16 controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use of
18 Intoxicating Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, the law
20 enforcement officer shall immediately submit a sworn report to
21 the Secretary of State and Department of Natural Resources on a
22 form prescribed by the Secretary, certifying that the test or
23 tests were requested pursuant to subsection (a) and the person
24 refused to submit to a test or tests or submitted to testing
25 which disclosed an alcohol concentration of 0.08 or more, or
26 any amount of a drug, substance, or intoxicating compound in

1 such person's blood or urine, resulting from the unlawful use
2 or 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 of
5 Intoxicating Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act.

7 (2) Upon receipt of the sworn report of a law enforcement
8 officer, the Secretary shall enter the suspension and, if
9 applicable, disqualification of driving privileges if the
10 sworn report indicates the offense occurred on public property,
11 to the individual's driving record and the Department of
12 Natural Resources shall enter the suspension of snowmobile and
13 watercraft privileges and the suspension and disqualification
14 shall be effective on the 46th day following the date notice of
15 the suspension was given to the person.

16 (3) Upon receipt of the sworn report of a law enforcement
17 officer that indicates the offense took place on private
18 property, the Secretary of State shall not enter a suspension
19 or disqualification of driving privileges, and the Department
20 of Natural Resources shall enter the suspension of snowmobile
21 and watercraft operating privileges.

22 (4) The law enforcement officer submitting the sworn report
23 shall serve immediate notice of this suspension on the person
24 and such suspension and disqualification shall be effective on
25 the 46th day following the date notice was given.

26 (5) In cases where the blood alcohol concentration of 0.08

1 or more, or any amount of a drug, substance, or intoxicating
2 compound resulting from the unlawful use or consumption of
3 cannabis as listed in the Cannabis Control Act, a controlled
4 substance listed in the Illinois Controlled Substances Act, an
5 intoxicating compound listed in the Use of Intoxicating
6 Compounds Act, or methamphetamine as listed in the
7 Methamphetamine Control and Community Protection Act, is
8 established by a subsequent analysis of blood or urine
9 collected at the time of arrest, the arresting officer shall
10 give notice as provided in this Section or by deposit in the
11 United States mail of such notice in an envelope with postage
12 prepaid and addressed to such person at his address as shown on
13 the Uniform Traffic Ticket or Illinois Conservation Citation
14 and Complaint and the suspension and, if applicable,
15 disqualification shall be effective on the 46th day following
16 the date notice was given.

17 (6) Upon receipt of the sworn report of a law enforcement
18 officer indicating the offense occurred on public property, the
19 Secretary shall ~~also~~ give notice of the suspension of driving,
20 snowmobile operating, and watercraft operating privileges and,
21 if applicable, disqualification ~~to the driver~~ by mailing a
22 notice of the effective date of the suspension and
23 disqualification to the individual. If the sworn report
24 indicates the offense occurred on private property, the
25 Department of Natural Resources shall give notice of the
26 suspension of snowmobile and watercraft operating privileges.

1 However, should the sworn report be defective by not containing
2 sufficient information or be completed in error, the notice of
3 the suspension and disqualification shall not be mailed to the
4 person or entered to the driving record, but rather the sworn
5 report shall be returned to the issuing law enforcement agency.
6 The issuing law enforcement agency may cure a sworn report
7 returned as defective by either completing a new sworn report
8 or amending the defective report. The law enforcement officer
9 shall give notice of the new or amended sworn report to the
10 person by personal service or by depositing a copy of the new
11 or amended sworn report in the United States mail with postage
12 prepaid and addressed to such person at his address as shown on
13 the Uniform Traffic Ticket or Illinois Conservation Citation
14 and Complaint. The suspension and, if applicable,
15 disqualification, shall be effective on the 46th day following
16 the date notice was given.

17 (e) If the person was driving a motor vehicle when involved
18 in an accident resulting in personal injury or fatality, the
19 person ~~A driver~~ may contest this suspension of his or her
20 driving, snowmobile operating, and watercraft operating
21 privileges and disqualification of his or her CDL privileges by
22 requesting an administrative hearing with the Secretary in
23 accordance with Section 2-118 of this Code. At the conclusion
24 of a hearing held under Section 2-118 of this Code, the
25 Secretary may rescind, continue, or modify the orders of
26 suspension and disqualification. If rescission is granted,

1 driving, snowmobile operating, and watercraft operating
2 privileges shall be restored. The Secretary shall notify the
3 Department of Natural Resources if the suspension and
4 disqualification are rescinded. If the Secretary does not
5 rescind the orders of suspension and disqualification, a
6 restricted driving permit to drive a motor vehicle may be
7 granted by the Secretary upon application being made and good
8 cause shown. A restricted driving permit may be granted to
9 relieve undue hardship in accordance with ~~to allow driving for~~
10 ~~employment, educational, and medical purposes as outlined in~~
11 ~~Section 6-206 of this Code. The provisions of Section 6-206 of~~
12 ~~this Code shall apply.~~ In accordance with 49 C.F.R. 384, the
13 Secretary of State may not issue a restricted driving permit to
14 drive ~~for the operation of~~ a commercial motor vehicle to a
15 person holding a CDL whose driving privileges have been
16 suspended, revoked, cancelled, or disqualified.

17 (e-5) If the person was operating a snowmobile or
18 watercraft when involved in an accident resulting in personal
19 injury or fatality, that person may contest this suspension of
20 his or her driving, snowmobile operating, and watercraft
21 operating privileges by requesting an administrative hearing
22 with the Department of Natural Resources. The Department of
23 Natural Resources shall have all authority provided for in
24 Section 2-118 of this Code when conducting these hearings. At
25 the conclusion of a hearing, the Department of Natural
26 Resources may rescind, continue or modify the order of

1 suspension. If rescission is granted, driving, snowmobile
2 operating, and watercraft operating privileges shall be
3 restored. The Department of Natural Resources shall notify the
4 Secretary if the suspension is rescinded. If the Department of
5 Natural Resources does not rescind the order of suspension and
6 the person wishes to apply for a restricted driving permit to
7 drive a motor vehicle, the person must make such application to
8 the Secretary of State. A restricted driving permit may be
9 granted to relieve undue hardship in accordance with Section
10 6-206 of this Code. In accordance with 49 C.F.R. 384, the
11 Secretary of State may not issue a restricted driving permit
12 for the operation of a commercial motor vehicle to a person
13 holding a CDL whose driving privileges have been suspended,
14 revoked, cancelled, or disqualified.

15 (f) (Blank).

16 (g) For the purposes of this Section, a personal injury
17 shall include any type A injury as indicated on the traffic
18 accident report completed by a law enforcement officer that
19 requires immediate professional attention in either a doctor's
20 office or a medical facility. A type A injury shall include
21 severely bleeding wounds, distorted extremities, and injuries
22 that require the injured party to be carried from the scene.

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

24 (625 ILCS 5/11-501.8)

25 Sec. 11-501.8. Suspension of driver's license, snowmobile

1 operating privileges, and watercraft operating privileges;
2 persons under age 21.

3 (a) A person who is less than 21 years of age and who (1)
4 drives or is in actual physical control of a motor vehicle upon
5 the public highways of this State, (2) operates or is in actual
6 physical control of a snowmobile in this State, or (3) operates
7 or is in actual physical control of a watercraft upon the
8 waters of this State shall be deemed to have given consent to a
9 chemical test or tests of blood, breath, or urine for the
10 purpose of determining the alcohol content of the person's
11 blood if arrested, as evidenced by the issuance of a Uniform
12 Traffic Ticket or an Illinois Conservation Citation and
13 Complaint for any violation of the Illinois Vehicle Code or a
14 similar provision of a local ordinance, if a police officer has
15 probable cause to believe that the driver or operator has
16 consumed any amount of an alcoholic beverage based upon
17 evidence of the driver's or operator's physical condition or
18 other first hand knowledge of the police officer. The test or
19 tests shall be administered at the direction of the arresting
20 officer. The law enforcement agency employing the officer shall
21 designate which of the aforesaid tests shall be administered. A
22 urine test may be administered even after a blood or breath
23 test or both has been administered.

24 (b) A person who is dead, unconscious, or who is otherwise
25 in a condition rendering that person incapable of refusal,
26 shall be deemed not to have withdrawn the consent provided by

1 paragraph (a) of this Section. ~~and the test or tests may be~~
2 ~~administered subject to the following provisions:~~

3 ~~(i) Chemical analysis of the person's blood, urine,~~
4 ~~breath, or other bodily substance, to be considered valid~~
5 ~~under the provisions of this Section, shall have been~~
6 ~~performed according to standards promulgated by the~~
7 ~~Department of State Police by an individual possessing a~~
8 ~~valid permit issued by that Department for this purpose.~~
9 ~~The Director of State Police is authorized to approve~~
10 ~~satisfactory techniques or methods, to ascertain the~~
11 ~~qualifications and competence of individuals to conduct~~
12 ~~analyses, to issue permits that shall be subject to~~
13 ~~termination or revocation at the direction of that~~
14 ~~Department, and to certify the accuracy of breath testing~~
15 ~~equipment. The Department of State Police shall prescribe~~
16 ~~regulations as necessary.~~

17 ~~(ii) When a person submits to a blood test at the~~
18 ~~request of a law enforcement officer under the provisions~~
19 ~~of this Section, only a physician authorized to practice~~
20 ~~medicine, a registered nurse, or other qualified person~~
21 ~~trained in venipuncture and acting under the direction of a~~
22 ~~licensed physician may withdraw blood for the purpose of~~
23 ~~determining the alcohol content therein. This limitation~~
24 ~~does not apply to the taking of breath or urine specimens.~~

25 ~~(iii) The person tested may have a physician, qualified~~
26 ~~technician, chemist, registered nurse, or other qualified~~

1 ~~person of his or her own choosing administer a chemical~~
2 ~~test or tests in addition to any test or tests administered~~
3 ~~at the direction of a law enforcement officer. The failure~~
4 ~~or inability to obtain an additional test by a person shall~~
5 ~~not preclude the consideration of the previously performed~~
6 ~~chemical test.~~

7 ~~(iv) Upon a request of the person who submits to a~~
8 ~~chemical test or tests at the request of a law enforcement~~
9 ~~officer, full information concerning the test or tests~~
10 ~~shall be made available to the person or that person's~~
11 ~~attorney.~~

12 ~~(v) Alcohol concentration means either grams of~~
13 ~~alcohol per 100 milliliters of blood or grams of alcohol~~
14 ~~per 210 liters of breath.~~

15 ~~(vi) If a driver is receiving medical treatment as a~~
16 ~~result of a motor vehicle accident, a physician licensed to~~
17 ~~practice medicine, registered nurse, or other qualified~~
18 ~~person trained in venipuncture and acting under the~~
19 ~~direction of a licensed physician shall withdraw blood for~~
20 ~~testing purposes to ascertain the presence of alcohol upon~~
21 ~~the specific request of a law enforcement officer. However,~~
22 ~~that testing shall not be performed until, in the opinion~~
23 ~~of the medical personnel on scene, the withdrawal can be~~
24 ~~made without interfering with or endangering the~~
25 ~~well being of the patient.~~

26 (b-5) Chemical analysis of the person's blood, urine,

1 breath or bodily substance shall be conducted in accordance
2 with Section 11-501.2 of this Code.

3 (c) A person requested to submit to a test as provided
4 above who was driving or in actual physical control a motor
5 vehicle on public property shall be warned by the law
6 enforcement officer requesting the test that a refusal to
7 submit to the test, or submission to the test resulting in an
8 alcohol concentration of more than 0.00, may result in the loss
9 of that person's privilege to drive ~~operate~~ a motor vehicle,
10 operate a snowmobile, and operate a watercraft and may result
11 in the disqualification of the person's privilege to drive
12 ~~operate~~ a commercial motor vehicle, as provided in Section
13 6-514 of this Code, if the person is a CDL holder. The loss of
14 driving, snowmobile operating, and watercraft operating
15 privileges shall be imposed in accordance with Section 6-208.2
16 of this Code.

17 (c-3) A person requested to submit to a test as provided
18 above who was operating a snowmobile or watercraft on public
19 property shall be warned by the law enforcement officer
20 requesting the test that a refusal to submit to the test, or
21 submission to the test resulting in an alcohol concentration of
22 more than 0.00, may result in the loss of that person's
23 privilege to drive a motor vehicle, operate a snowmobile, and
24 operate a watercraft. The loss of driving, snowmobile
25 operating, and watercraft operating privileges shall be
26 imposed in accordance with Section 6-208.2 of this Code.

1 (c-6) A person requested to submit to a test as provided
2 above who was operating a snowmobile or watercraft on private
3 property shall be warned by the law enforcement officer
4 requesting the test that a refusal to submit to the test, or
5 submission to the test resulting in an alcohol concentration of
6 more than 0.00, may result in the loss of that person's
7 privilege to operate a snowmobile and watercraft. The loss of
8 snowmobile and watercraft operating privileges shall be
9 imposed in accordance with Section 6-208.2 of this Code.

10 (d) (1) If the person refuses testing or submits to a test
11 that discloses an alcohol concentration of more than 0.00, the
12 law enforcement officer shall immediately submit a sworn report
13 to the Secretary of State and Department of Natural Resources
14 on a form prescribed by the Secretary of State, certifying that
15 the test or tests were requested under subsection (a) and the
16 person refused to submit to a test or tests or submitted to
17 testing which disclosed an alcohol concentration of more than
18 0.00. The law enforcement officer shall submit the same sworn
19 report when a person under the age of 21 submits to testing
20 under Section 11-501.1 of this Code and the testing discloses
21 an alcohol concentration of more than 0.00 and less than 0.08.

22 (2) Upon receipt of the sworn report of a law enforcement
23 officer, the Secretary of State shall enter the suspension of
24 driving privileges and, if applicable, disqualification, if
25 the offense occurred on public property, on the individual's
26 driving record, and the Department of Natural Resources shall

1 enter the suspension of snowmobile and watercraft operating
2 privileges ~~and the suspension and disqualification shall be~~
3 ~~effective on the 46th day following the date notice of the~~
4 ~~suspension was given to the person.~~ If this suspension is the
5 individual's first ~~driver's license~~ suspension under this
6 Section, reports received by the Secretary of State and
7 Department of Natural Resources under this Section shall,
8 except during the time the suspension is in effect, be
9 privileged information and for use only by the courts, police
10 officers, prosecuting authorities, the Secretary of State, the
11 Department of Natural Resources, or the individual personally.
12 However, beginning January 1, 2008, if the person is a CDL
13 holder, the report of suspension shall also be made available
14 to the driver licensing administrator of any other state, the
15 U.S. Department of Transportation, and the affected driver or
16 motor carrier or prospective motor carrier upon request.
17 Reports received by the Secretary of State under this Section
18 shall also be made available to the parent or guardian of a
19 person under the age of 18 years that holds an instruction
20 permit or a graduated driver's license, regardless of whether
21 the suspension is in effect.

22 (3) The law enforcement officer submitting the sworn report
23 shall serve immediate notice of this suspension on the person
24 and the suspension and disqualification shall be effective on
25 the 46th day following the date notice was given.

26 (4) In cases where the blood alcohol concentration of more

1 than 0.00 is established by a subsequent analysis of blood or
2 urine, the police officer or arresting agency shall give notice
3 as provided in this Section or by deposit in the United States
4 mail of that notice in an envelope with postage prepaid and
5 addressed to that person at his last known address and the loss
6 of driving, snowmobile operating, and watercraft operating
7 privileges shall be effective on the 46th day following the
8 date notice was given.

9 (5) Upon receipt of the sworn report of a law enforcement
10 officer indicating the offense occurred on public property, the
11 Secretary of State shall ~~also~~ give notice of the suspension
12 and, if applicable, disqualification of snowmobile and
13 watercraft operating privileges ~~to the driver~~ by mailing a
14 notice of the effective date of the suspension and
15 disqualification to the individual. If the sworn report
16 indicates the offense occurred on private property, the
17 Department of Natural Resources shall give notice to the driver
18 of the suspension of snowmobile and watercraft operating
19 privileges. However, should the sworn report be defective by
20 not containing sufficient information or be completed in error,
21 the notice of the suspension and disqualification shall not be
22 mailed to the person or entered to the driving record, but
23 rather the sworn report shall be returned to the issuing law
24 enforcement agency. The issuing law enforcement agency may cure
25 a sworn report returned as effective by either completing a new
26 sworn report or amending the defective report. The law

1 enforcement officer shall give notice of the new or amended
2 sworn report to the person by personal service or by depositing
3 a copy of the new or amended sworn report in the United States
4 mail with postage prepaid and addressed to such person at his
5 address as shown on the Uniform Traffic Ticket or Illinois
6 Conservation Citation and Complaint. The suspension and, if
7 applicable, disqualification shall be effective on the 46th day
8 following the date notice was given.

9 (e) If the person was operating a motor vehicle, the person
10 A driver may contest this suspension and disqualification of
11 driving privileges and the suspension of snowmobile and
12 watercraft operating privileges by requesting an
13 administrative hearing with the Secretary of State in
14 accordance with Section 2-118 of this Code. An individual whose
15 blood alcohol concentration is shown to be more than 0.00 is
16 not subject to this Section if he or she consumed alcohol in
17 the performance of a religious service or ceremony. An
18 individual whose blood alcohol concentration is shown to be
19 more than 0.00 shall not be subject to this Section if the
20 individual's blood alcohol concentration resulted only from
21 ingestion of the prescribed or recommended dosage of medicine
22 that contained alcohol. The petition for that hearing shall not
23 stay or delay the effective date of the impending suspension.

24 (e-2) If the person was operating a snowmobile or
25 watercraft, the person may contest the suspension of driving,
26 snowmobile operating, and watercraft operating privileges by

1 requesting an administrative hearing with the Department of
2 Natural Resources. The Department of Natural Resources shall
3 have all authority provided for in Section 2-118 of this Code
4 when conducting of these hearings. An individual whose blood
5 alcohol concentration is shown to be more than 0.00 is not
6 subject to this Section if he or she consumed alcohol in the
7 performance of a religious service or ceremony. An individual
8 whose blood alcohol concentration is shown to be more than 0.00
9 shall not be subject to this Section if the individual's blood
10 alcohol concentration resulted only from ingestion of the
11 prescribed or recommended dosage of medicine that contained
12 alcohol. The petition for hearing shall not stay or delay the
13 effective date of the impending suspension.

14 (e-4) The scope of this hearing shall be limited to the
15 issues of:

16 (1) whether the police officer had probable cause to
17 believe that the person was driving, operating, or in
18 actual physical control of (1) a motor vehicle upon the
19 public highways of the State, (2) a snowmobile in this
20 State, or (3) a watercraft upon the waters of this State
21 and the police officer had reason to believe that the
22 person was in violation of any provision of the Illinois
23 Vehicle Code or a similar provision of a local ordinance;
24 and

25 (2) whether the person was issued a Uniform Traffic
26 Ticket or an Illinois Conservation Citation and Complaint

1 for any violation of the Illinois Vehicle Code or a similar
2 provision of a local ordinance; and

3 (3) whether the police officer had probable cause to
4 believe that the driver or operator had consumed any amount
5 of an alcoholic beverage based upon the driver's or
6 operator's physical actions or other first-hand knowledge
7 of the police officer; and

8 (4) whether the person, after being advised by the
9 officer that the privilege to drive ~~operate~~ a motor
10 vehicle, operate a snowmobile, and operate a watercraft
11 would be suspended if the person refused to submit to and
12 complete the test or tests, did refuse to submit to or
13 complete the test or tests to determine the person's
14 alcohol concentration; and

15 (5) whether the person, after being advised by the
16 officer that the privileges to drive ~~operate~~ a motor
17 vehicle, operate a snowmobile, and operate a watercraft
18 would be suspended if the person submits to a chemical test
19 or tests and the test or tests disclose an alcohol
20 concentration of more than 0.00, did submit to and complete
21 the test or tests that determined an alcohol concentration
22 of more than 0.00; and

23 (6) whether the test result of an alcohol concentration
24 of more than 0.00 was based upon the person's consumption
25 of alcohol in the performance of a religious service or
26 ceremony; and

1 (7) whether the test result of an alcohol concentration
2 of more than 0.00 was based upon the person's consumption
3 of alcohol through ingestion of the prescribed or
4 recommended dosage of medicine.

5 (e-6) At the conclusion of the hearing before the Secretary
6 of State held under Section 2-118 of this Code, the Secretary
7 of State may rescind, continue, or modify the suspension and
8 disqualification. If the Secretary of State does not rescind
9 the suspension and disqualification, a restricted driving
10 permit may be granted by the Secretary of State upon
11 application being made and good cause shown. A restricted
12 driving permit may be granted to relieve undue hardship in
13 accordance with ~~by allowing driving for employment,~~
14 ~~educational, and medical purposes as outlined in item (3) of~~
15 ~~part (c) of Section 6-206 of this Code. The provisions of item~~
16 ~~(3) of part (c) of Section 6-206 of this Code and of subsection~~
17 ~~(f) of that Section shall apply. The Secretary of State shall~~
18 ~~promulgate rules providing for participation in an alcohol~~
19 ~~education and awareness program or activity, a drug education~~
20 ~~and awareness program or activity, or both as a condition to~~
21 ~~the issuance of a restricted driving permit for suspensions~~
22 ~~imposed under this Section.~~

23 (e-8) At the conclusion of the hearing before Department of
24 Natural Resources held under Section 2-118 of this Code, the
25 Department of Natural Resources may rescind, continue, or
26 modify the suspension. If rescission is granted, driving,

1 snowmobile operating, and watercraft operating privileges
2 shall be restored. The Department of Natural Resources shall
3 notify the Secretary of State of any rescission. If the
4 Department of Natural Resources does not rescind the suspension
5 and the person wishes to apply for a restricted driving permit
6 to drive a motor vehicle, the person must make such application
7 to the Secretary of State. A restricted driving permit may be
8 granted to relieve undue hardship in accordance with Section
9 6-206 of this Code. In accordance with 49 C.F.R. 384, the
10 Secretary of State may not issue a restricted driving permit to
11 drive a commercial motor vehicle to a person holding a CDL
12 whose driving privileges have been suspended, revoked,
13 cancelled or disqualified.

14 (e-10) The Secretary of State shall promulgate rules
15 providing for participation in an alcohol education and
16 awareness program or activity, a drug education and awareness
17 program or activity, or both as a condition to the issuance of
18 a restricted driving permit for suspensions imposed under this
19 Section.

20 (f) The results of any chemical testing performed in
21 accordance with subsection (a) of this Section are not
22 admissible in any civil or criminal proceeding, except that the
23 results of the testing may be considered at a hearing held
24 under Section 2-118 of this Code. However, the results of the
25 testing may not be used to impose driver's license sanctions
26 under Section 11-501.1 of this Code. A law enforcement officer

1 may, however, pursue a statutory summary suspension of driving
2 privileges under Section 11-501.1 of this Code if other
3 physical evidence or first hand knowledge forms the basis of
4 that suspension.

5 (g) This Section applies only to drivers who are under age
6 21 at the time of the issuance of a Uniform Traffic Ticket or
7 an Illinois Conservation Citation and Complaint for a violation
8 of the Illinois Vehicle Code or a similar provision of a local
9 ordinance, and a chemical test request is made under this
10 Section.

11 (h) The action of the Secretary of State or Department of
12 Natural Resources in suspending, revoking, cancelling, or
13 disqualifying any license, privilege, or permit shall be
14 subject to judicial review in the Circuit Court of Sangamon
15 County or in the Circuit Court of Cook County or in the Circuit
16 Court of Jefferson County, and the provisions of the
17 Administrative Review Law and its rules are hereby adopted and
18 shall apply to and govern every action for the judicial review
19 of final acts or decisions of the Secretary of State and
20 Department of Natural Resources under this Section.

21 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;
22 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-876, eff.
23 8-21-08.)

24 Section 10. The Snowmobile Registration and Safety Act is
25 amended by changing Sections 2-2, 5-7.3, 10-1, and 10-2 as

1 follows:

2 (625 ILCS 40/2-2) (from Ch. 95 1/2, par. 602-2)

3 Sec. 2-2. Inspection; seizure; impoundment.

4 (a) Agents of the Department or other duly authorized
5 police officers may stop and inspect any snowmobile at any time
6 for the purpose of determining if the provisions of this Act
7 are being complied with. If the inspecting officer or agent
8 discovers any violation of the provisions of this Act, he must
9 issue a summons to the operator of such snowmobile requiring
10 that the operator appear before the circuit court for the
11 county within which the offense was committed.

12 (b) Every snowmobile subject to this Act, if under way and
13 upon being hailed by a designated law enforcement officer, must
14 stop immediately.

15 (c) Agents of the Department and other duly authorized
16 police officers may seize and impound, at the owner's expense,
17 any snowmobile involved in an accident or a violation of
18 subsection B of Section 5-1 or of Section 11-501 of the
19 Illinois Vehicle Code ~~5-7 of this Act.~~

20 (d) If a snowmobile is causing a traffic hazard because of
21 its position in relation to the highway or its physical
22 appearance is causing the impeding of traffic, its immediate
23 removal from the highway or private property adjacent to the
24 highway by a towing service may be authorized by a law
25 enforcement agency having jurisdiction.

1 (e) Whenever a peace officer reasonably believes that a
2 person under arrest for a violation of subsection B of Section
3 5-1 or Section 11-501 of the Illinois Vehicle Code ~~5-7 of this~~
4 ~~Act~~ or similar provision of a local ordinance, is likely, upon
5 release, to commit a subsequent violation of subsection B of
6 Section 5-1 or 11-501 of the Illinois Vehicle Code ~~Section 5-7~~
7 or a similar provision of a local ordinance, the arresting
8 officer shall have the snowmobile which the person was
9 operating at the time of the arrest impounded for a period of
10 not more than 12 hours after the time of the arrest. The
11 snowmobile may be released by the arresting law enforcement
12 agency without impoundment, or may be released prior to the end
13 of the impoundment period, however, if:

14 (1) the snowmobile was not owned by the person under
15 arrest, and the lawful owner requesting release of the
16 snowmobile possesses proof of ownership, and would not, as
17 determined by the arresting law enforcement agency: (i)
18 indicate a lack of ability to operate a snowmobile in a
19 safe manner, or (ii) otherwise, by operating the
20 snowmobile, be in violation of this Act; or

21 (2) the snowmobile is owned by the person under arrest,
22 and the person under arrest gives permission to another
23 person to operate the snowmobile, and the other person
24 would not, as determined by the arresting law enforcement
25 agency: (i) indicate a lack of ability to operate a
26 snowmobile in a safe manner, or (ii) otherwise, by

1 operating the snowmobile, be in violation of this Act.

2 (f) Whenever a registered owner of a snowmobile is taken
3 into custody for operating the snowmobile in violation of
4 Section 11-501 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance, a law enforcement officer may
6 have the snowmobile immediately impounded for a period not less
7 than:

8 (1) 24 hours for a second violation of Section 11-501
9 of the Illinois Vehicle Code or a similar provision of a
10 local ordinance; or

11 (2) 48 hours for a third violation of Section 11-501 of
12 the Illinois Vehicle Code or a similar provision of a local
13 ordinance.

14 The snowmobile may be released sooner if the snowmobile is
15 owned by the person under arrest and the person under arrest
16 gives permission to another person to operate the snowmobile
17 and that other person possesses valid snowmobile privileges and
18 would not, as determined by the arresting law enforcement
19 agency, indicate a lack of ability to operate a snowmobile in a
20 safe manner or would otherwise, by operating the snowmobile, be
21 in violation of the Illinois Vehicle Code or this Act.

22 (Source: P.A. 93-156, eff. 1-1-04.)

23 (625 ILCS 40/10-1) (from Ch. 95 1/2, par. 610-1)

24 Sec. 10-1. Violations.

25 (a) Except as otherwise provided in this Act, a person who

1 violates any of the provisions of this Act is guilty of a Class
2 C misdemeanor.

3 (b) A person who violates subsection (B) of Section 5-1 of
4 this Act is guilty of a Class B misdemeanor.

5 (c) A person who violates Section 2-4 ~~or Section 5-7.3~~ of
6 this Act is guilty of a Class A misdemeanor.

7 (Source: P.A. 89-55, eff. 1-1-96.)

8 (625 ILCS 40/10-2)

9 Sec. 10-2. Denial of operating privilege. A person who is
10 convicted of a violation of subsection (B) of Section 5-1 ~~or~~
11 ~~Section 5-7~~ of this Act, in addition to other penalties
12 authorized in this Act, may in the discretion of the court be
13 refused the privilege to operate a snowmobile in this State for
14 a period of one year or more.

15 (Source: P.A. 89-55, eff. 1-1-96.)

16 Section 20. The Boat Registration and Safety Act is amended
17 by changing Sections 2-2 and 5-22 as follows:

18 (625 ILCS 45/2-2) (from Ch. 95 1/2, par. 312-2)

19 Sec. 2-2. Inspection; removal; impoundment.

20 (a) Agents of the Department or other duly authorized
21 police officers may board and inspect any boat at any time for
22 the purpose of determining if this Act is being complied with.
23 If the boarding officer or agent discovers any violation of

1 this Act, he may issue a summons to the operator of the boat
2 requiring that the operator appear before the circuit court for
3 the county within which the offense was committed.

4 (b) Every vessel subject to this Act, if under way and upon
5 being hailed by a designated law enforcement officer, must stop
6 immediately and lay to.

7 (c) Agents of the Department and other duly authorized
8 police officers may enforce all federal laws and regulations
9 which have been mutually agreed upon by the federal and state
10 governments and are applicable to the operation of watercraft
11 on navigable waters and federal impoundments where concurrent
12 jurisdiction exists between the federal and state governments.

13 (d) Agents of the Department and other duly authorized
14 police officers may seize and impound, at the owner's or
15 operator's expense, any watercraft involved in a boating
16 accident or a violation of Section 3A-21, 5-1, or 5-2, ~~or 5-16~~
17 of this Act or Section 11-501 of the Illinois Vehicle Code
18 while operating a watercraft.

19 (e) If a watercraft is causing a traffic hazard because of
20 its position on a waterway or its physical appearance is
21 causing the impeding of traffic, its immediate removal from the
22 waterway by a towing service may be authorized by a law
23 enforcement agency having jurisdiction.

24 (f) Whenever a peace officer reasonably believes that a
25 person under arrest for a violation of Section 5-1, or 5-2 ~~or~~
26 ~~5-16~~ of this Act, Section 11-501 of the Illinois Vehicle Code,

1 or similar provision of a local ordinance, is likely, upon
2 release, to commit a subsequent violation of Section 5-1 or ~~7~~
3 5-2 of this Act, Section 11-501 of the Illinois Vehicle Code,
4 ~~or 5-16~~ or a similar provision of a local ordinance, the
5 arresting officer shall have the watercraft which the person
6 was operating at the time of the arrest impounded for a period
7 of not more than 12 hours after the time of the arrest. The
8 watercraft may be released by the arresting law enforcement
9 agency without impoundment, or may be released prior to the end
10 of the impoundment period, however, if:

11 (1) the watercraft was not owned by the person under
12 arrest, and the lawful owner requesting release possesses
13 proof of ownership, and would not, as determined by the
14 arresting law enforcement agency: (i) indicate a lack of
15 ability to operate a watercraft in a safe manner, or (ii)
16 otherwise, by operating the watercraft, be in violation of
17 this Act; or

18 (2) the watercraft is owned by the person under arrest,
19 and the person under arrest gives permission to another
20 person to operate the watercraft, and the other person
21 would not, as determined by the arresting law enforcement
22 agency: (i) indicate a lack of ability to operate a
23 watercraft in a safe manner, or (ii) otherwise, by
24 operating the watercraft, be in violation of this Act.

25 (g) Whenever a registered owner of a watercraft is taken
26 into custody for operating the watercraft in violation of

1 Section 11-501 of the Illinois Vehicle Code or a similar
2 provision of a local ordinance, a law enforcement officer may
3 have the watercraft immediately impounded for a period not less
4 than:

5 (1) 24 hours for a second violation of Section 11-501
6 of the Illinois Vehicle Code or a similar provision of a
7 local ordinance; or

8 (2) 48 hours for a third violation of Section 11-501 of
9 the Illinois Vehicle Code or a similar provision of a local
10 ordinance.

11 The watercraft may be released sooner if the watercraft is
12 owned by the person under arrest and the person under arrest
13 gives permission to another person to operate the watercraft
14 and that other person possesses valid watercraft privileges and
15 would not, as determined by the arresting law enforcement
16 agency, indicate a lack of ability to operate a watercraft in a
17 safe manner or would otherwise, by operating the watercraft, be
18 in violation of the Illinois Vehicle Code or this Act.

19 (Source: P.A. 93-156, eff. 1-1-04.)

20 (625 ILCS 45/5-22)

21 Sec. 5-22. Operation of watercraft upon the approach of an
22 authorized emergency watercraft.

23 (a) As used in this Section, "authorized emergency
24 watercraft" includes any watercraft operated by the Illinois
25 Department of Natural Resources Police, the Illinois

1 Department of State Police, a county sheriff, a local law
2 enforcement agency, a fire department, a provider of emergency
3 medical services, or the United States Coast Guard, equipped
4 with alternately flashing red, red and white, red and blue, or
5 red in combination with white or blue lights, while engaged in
6 official duties. Any authorized emergency watercraft must be
7 clearly emblazoned with markings identifying it as a watercraft
8 operated by the qualifying agency.

9 (b) Upon the immediate approach of an authorized emergency
10 watercraft making use of rotating or flashing visual signals
11 and lawfully making use of a visual signal, the operator of
12 every other watercraft shall yield the right-of-way and shall
13 immediately reduce the speed of the watercraft, so as not to
14 create a wake, and shall yield way to the emergency watercraft,
15 moving to the right to permit the safe passage of the emergency
16 watercraft, and shall stop and remain in that position until
17 the authorized emergency watercraft has passed, unless
18 otherwise directed by a police officer.

19 (c) Upon approaching a stationary authorized emergency
20 watercraft, when the authorized emergency watercraft is giving
21 a signal by displaying rotating or alternately flashing red,
22 red and white, red and blue, or red in combination with white
23 or blue lights, a person operating an approaching watercraft
24 shall proceed with due caution at no-wake speed and yield the
25 right-of-way by moving safely away from that authorized
26 emergency watercraft, proceeding with due caution at a no-wake

1 speed with due regard to safety and water conditions,
2 maintaining no-wake speed until sufficiently away from the
3 emergency watercraft so as not to create a wake that would
4 otherwise rock or otherwise disturb the authorized emergency
5 watercraft.

6 (d) This Section shall not operate to relieve the operator
7 of an authorized emergency watercraft from the duty to operate
8 that watercraft with due regard for the safety of all persons
9 using the waterway.

10 (e) A person who violates this Section commits a business
11 offense punishable by a fine of not less than \$100 or more than
12 \$10,000. It is a factor in aggravation if the person committed
13 the offense while in violation of Section 11-501 of the
14 Illinois Vehicle Code while operating a watercraft ~~5-16 of this~~
15 ~~Act.~~

16 (f) If a violation of this Section results in damage to the
17 property of another person, in addition to any other penalty
18 imposed, the person's watercraft operating privileges shall be
19 suspended for a fixed period of not less than 90 days and not
20 more than one year.

21 (g) If a violation of this Section results in injury to
22 another person, in addition to any other penalty imposed, the
23 person's watercraft operating privileges shall be suspended
24 for a fixed period of not less than 180 days and not more than 2
25 years.

26 (h) If a violation of subsection (c) of this Section

1 results in great bodily harm or permanent disability or
2 disfigurement to, or the death of, another person, in addition
3 to any other penalty imposed, the person's watercraft operating
4 privileges shall be suspended for 2 years.

5 (i) The Department of Natural Resources shall, upon
6 receiving a record of a judgment entered against a person under
7 this Section:

8 (1) suspend the person's watercraft operating
9 privileges for the mandatory period; or

10 (2) extend the period of an existing suspension by the
11 appropriate mandatory period.

12 (Source: P.A. 95-107, eff. 1-1-08.)

13 Section 30. The Unified Code of Corrections is amended by
14 changing Section 5-5-3 as follows:

15 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

16 Sec. 5-5-3. Disposition.

17 (a) (Blank-)..

18 (b) (Blank-)..

19 ~~(10) If the defendant is convicted of arson,~~
20 ~~aggravated arson, residential arson, or place of worship~~
21 ~~arson, an order directing the offender to reimburse the~~
22 ~~local emergency response department for the costs of~~
23 ~~responding to the fire that the offender was convicted of~~
24 ~~setting in accordance with the Emergency Services Response~~

1 ~~Reimbursement for Criminal Convictions Act.~~

2 (c) (1) (Blank-).

3 (2) A period of probation, a term of periodic
4 imprisonment or conditional discharge shall not be imposed
5 for the following offenses. The court shall sentence the
6 offender to not less than the minimum term of imprisonment
7 set forth in this Code for the following offenses, and may
8 order a fine or restitution or both in conjunction with
9 such term of imprisonment:

10 (A) First degree murder where the death penalty is
11 not imposed.

12 (B) Attempted first degree murder.

13 (C) A Class X felony.

14 (D) A violation of Section 401.1 or 407 of the
15 Illinois Controlled Substances Act, or a violation of
16 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
17 of that Act which relates to more than 5 grams of a
18 substance containing heroin, cocaine, fentanyl, or an
19 analog thereof.

20 (E) A violation of Section 5.1 or 9 of the Cannabis
21 Control Act.

22 (F) A Class 2 or greater felony if the offender had
23 been convicted of a Class 2 or greater felony,
24 including any state or federal conviction for an
25 offense that contained, at the time it was committed,
26 the same elements as an offense now (the date of the

1 offense committed after the prior Class 2 or greater
2 felony) classified as a Class 2 or greater felony,
3 within 10 years of the date on which the offender
4 committed the offense for which he or she is being
5 sentenced, except as otherwise provided in Section
6 40-10 of the Alcoholism and Other Drug Abuse and
7 Dependency Act.

8 (F-5) A violation of Section 24-1, 24-1.1, or
9 24-1.6 of the Criminal Code of 1961 for which
10 imprisonment is prescribed in those Sections.

11 (G) Residential burglary, except as otherwise
12 provided in Section 40-10 of the Alcoholism and Other
13 Drug Abuse and Dependency Act.

14 (H) Criminal sexual assault.

15 (I) Aggravated battery of a senior citizen.

16 (J) A forcible felony if the offense was related to
17 the activities of an organized gang.

18 Before July 1, 1994, for the purposes of this
19 paragraph, "organized gang" means an association of 5
20 or more persons, with an established hierarchy, that
21 encourages members of the association to perpetrate
22 crimes or provides support to the members of the
23 association who do commit crimes.

24 Beginning July 1, 1994, for the purposes of this
25 paragraph, "organized gang" has the meaning ascribed
26 to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

2 (K) Vehicular hijacking.

3 (L) A second or subsequent conviction for the
4 offense of hate crime when the underlying offense upon
5 which the hate crime is based is felony aggravated
6 assault or felony mob action.

7 (M) A second or subsequent conviction for the
8 offense of institutional vandalism if the damage to the
9 property exceeds \$300.

10 (N) A Class 3 felony violation of paragraph (1) of
11 subsection (a) of Section 2 of the Firearm Owners
12 Identification Card Act.

13 (O) A violation of Section 12-6.1 of the Criminal
14 Code of 1961.

15 (P) A violation of paragraph (1), (2), (3), (4),
16 (5), or (7) of subsection (a) of Section 11-20.1 of the
17 Criminal Code of 1961.

18 (Q) A violation of Section 20-1.2 or 20-1.3 of the
19 Criminal Code of 1961.

20 (R) A violation of Section 24-3A of the Criminal
21 Code of 1961.

22 (S) (Blank).

23 (T) A second or subsequent violation of the
24 Methamphetamine Control and Community Protection Act.

25 (U) A second or subsequent violation of Section
26 6-303 of the Illinois Vehicle Code committed while his

1 or her driver's license, permit, or privilege was
2 revoked because of a violation of Section 9-3 of the
3 Criminal Code of 1961, relating to the offense of
4 reckless homicide, or a similar provision of a law of
5 another state.

6 (V) A violation of paragraph (4) of subsection (c)
7 of Section 11-20.3 of the Criminal Code of 1961.

8 (W) A violation of Section 24-3.5 of the Criminal
9 Code of 1961.

10 (X) A violation of subsection (a) of Section 31-1a
11 of the Criminal Code of 1961.

12 (3) (Blank).

13 (4) A minimum term of imprisonment of not less than 10
14 consecutive days or 30 days of community service shall be
15 imposed for a violation of paragraph (c) of Section 6-303
16 of the Illinois Vehicle Code.

17 (4.1) (Blank).

18 (4.2) Except as provided in paragraphs (4.3) and (4.8)
19 of this subsection (c), a minimum of 100 hours of community
20 service shall be imposed for a second violation of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.3) A minimum term of imprisonment of 30 days or 300
23 hours of community service, as determined by the court,
24 shall be imposed for a second violation of subsection (c)
25 of Section 6-303 of the Illinois Vehicle Code.

26 (4.4) Except as provided in paragraphs (4.5), (4.6),

1 and (4.9) of this subsection (c), a minimum term of
2 imprisonment of 30 days or 300 hours of community service,
3 as determined by the court, shall be imposed for a third or
4 subsequent violation of Section 6-303 of the Illinois
5 Vehicle Code.

6 (4.5) A minimum term of imprisonment of 30 days shall
7 be imposed for a third violation of subsection (c) of
8 Section 6-303 of the Illinois Vehicle Code.

9 (4.6) Except as provided in paragraph (4.10) of this
10 subsection (c), a minimum term of imprisonment of 180 days
11 shall be imposed for a fourth or subsequent violation of
12 subsection (c) of Section 6-303 of the Illinois Vehicle
13 Code.

14 (4.7) A minimum term of imprisonment of not less than
15 30 consecutive days, or 300 hours of community service,
16 shall be imposed for a violation of subsection (a-5) of
17 Section 6-303 of the Illinois Vehicle Code, as provided in
18 subsection (b-5) of that Section.

19 (4.8) A mandatory prison sentence shall be imposed for
20 a second violation of subsection (a-5) of Section 6-303 of
21 the Illinois Vehicle Code, as provided in subsection (c-5)
22 of that Section. The person's driving privileges shall be
23 revoked for a period of not less than 5 years from the date
24 of his or her release from prison.

25 (4.9) A mandatory prison sentence of not less than 4
26 and not more than 15 years shall be imposed for a third

1 violation of subsection (a-5) of Section 6-303 of the
2 Illinois Vehicle Code, as provided in subsection (d-2.5) of
3 that Section. The person's driving privileges shall be
4 revoked for the remainder of his or her life.

5 (4.10) A mandatory prison sentence for a Class 1 felony
6 shall be imposed, and the person shall be eligible for an
7 extended term sentence, for a fourth or subsequent
8 violation of subsection (a-5) of Section 6-303 of the
9 Illinois Vehicle Code, as provided in subsection (d-3.5) of
10 that Section. The person's driving privileges shall be
11 revoked for the remainder of his or her life.

12 (5) The court may sentence a corporation or
13 unincorporated association convicted of any offense to:

14 (A) a period of conditional discharge;

15 (B) a fine;

16 (C) make restitution to the victim under Section
17 5-5-6 of this Code.

18 (5.1) In addition to any other penalties imposed, and
19 except as provided in paragraph (5.2) or (5.3), a person
20 convicted of violating subsection (c) of Section 11-907 of
21 the Illinois Vehicle Code shall have his or her driver's
22 license, permit, or privileges suspended for at least 90
23 days but not more than one year, if the violation resulted
24 in damage to the property of another person.

25 (5.2) In addition to any other penalties imposed, and
26 except as provided in paragraph (5.3), a person convicted

1 of violating subsection (c) of Section 11-907 of the
2 Illinois Vehicle Code shall have his or her driver's
3 license, permit, or privileges suspended for at least 180
4 days but not more than 2 years, if the violation resulted
5 in injury to another person.

6 (5.3) In addition to any other penalties imposed, a
7 person convicted of violating subsection (c) of Section
8 11-907 of the Illinois Vehicle Code shall have his or her
9 driver's license, permit, or privileges suspended for 2
10 years, if the violation resulted in the death of another
11 person.

12 (5.4) In addition to any other penalties imposed, a
13 person convicted of violating Section 3-707 of the Illinois
14 Vehicle Code shall have his or her driver's license,
15 permit, or privileges suspended for 3 months and until he
16 or she has paid a reinstatement fee of \$100.

17 (5.5) In addition to any other penalties imposed, a
18 person convicted of violating Section 3-707 of the Illinois
19 Vehicle Code during a period in which his or her driver's
20 license, permit, or privileges were suspended for a
21 previous violation of that Section shall have his or her
22 driver's license, permit, or privileges suspended for an
23 additional 6 months after the expiration of the original
24 3-month suspension and until he or she has paid a
25 reinstatement fee of \$100.

26 (6) (Blank) .

1 (7) (Blank) .

2 (8) (Blank) .

3 (9) A defendant convicted of a second or subsequent
4 offense of ritualized abuse of a child may be sentenced to
5 a term of natural life imprisonment.

6 (10) (Blank) .

7 (11) The court shall impose a minimum fine of \$1,000
8 for a first offense and \$2,000 for a second or subsequent
9 offense upon a person convicted of or placed on supervision
10 for battery when the individual harmed was a sports
11 official or coach at any level of competition and the act
12 causing harm to the sports official or coach occurred
13 within an athletic facility or within the immediate
14 vicinity of the athletic facility at which the sports
15 official or coach was an active participant of the athletic
16 contest held at the athletic facility. For the purposes of
17 this paragraph (11), "sports official" means a person at an
18 athletic contest who enforces the rules of the contest,
19 such as an umpire or referee; "athletic facility" means an
20 indoor or outdoor playing field or recreational area where
21 sports activities are conducted; and "coach" means a person
22 recognized as a coach by the sanctioning authority that
23 conducted the sporting event.

24 (12) (Blank). ~~A person may not receive a disposition of~~
25 ~~court supervision for a violation of Section 5-16 of the~~
26 ~~Boat Registration and Safety Act if that person has~~

1 ~~previously received a disposition of court supervision for~~
2 ~~a violation of that Section.~~

3 (13) A person convicted of or placed on court
4 supervision for an assault or aggravated assault when the
5 victim and the offender are family or household members as
6 defined in Section 103 of the Illinois Domestic Violence
7 Act of 1986 or convicted of domestic battery or aggravated
8 domestic battery may be required to attend a Partner Abuse
9 Intervention Program under protocols set forth by the
10 Illinois Department of Human Services under such terms and
11 conditions imposed by the court. The costs of such classes
12 shall be paid by the offender.

13 (d) In any case in which a sentence originally imposed is
14 vacated, the case shall be remanded to the trial court. The
15 trial court shall hold a hearing under Section 5-4-1 of the
16 Unified Code of Corrections which may include evidence of the
17 defendant's life, moral character and occupation during the
18 time since the original sentence was passed. The trial court
19 shall then impose sentence upon the defendant. The trial court
20 may impose any sentence which could have been imposed at the
21 original trial subject to Section 5-5-4 of the Unified Code of
22 Corrections. If a sentence is vacated on appeal or on
23 collateral attack due to the failure of the trier of fact at
24 trial to determine beyond a reasonable doubt the existence of a
25 fact (other than a prior conviction) necessary to increase the
26 punishment for the offense beyond the statutory maximum

1 otherwise applicable, either the defendant may be re-sentenced
2 to a term within the range otherwise provided or, if the State
3 files notice of its intention to again seek the extended
4 sentence, the defendant shall be afforded a new trial.

5 (e) In cases where prosecution for aggravated criminal
6 sexual abuse under Section 12-16 of the Criminal Code of 1961
7 results in conviction of a defendant who was a family member of
8 the victim at the time of the commission of the offense, the
9 court shall consider the safety and welfare of the victim and
10 may impose a sentence of probation only where:

11 (1) the court finds (A) or (B) or both are appropriate:

12 (A) the defendant is willing to undergo a court
13 approved counseling program for a minimum duration of 2
14 years; or

15 (B) the defendant is willing to participate in a
16 court approved plan including but not limited to the
17 defendant's:

18 (i) removal from the household;

19 (ii) restricted contact with the victim;

20 (iii) continued financial support of the
21 family;

22 (iv) restitution for harm done to the victim;

23 and

24 (v) compliance with any other measures that
25 the court may deem appropriate; and

26 (2) the court orders the defendant to pay for the

1 victim's counseling services, to the extent that the court
2 finds, after considering the defendant's income and
3 assets, that the defendant is financially capable of paying
4 for such services, if the victim was under 18 years of age
5 at the time the offense was committed and requires
6 counseling as a result of the offense.

7 Probation may be revoked or modified pursuant to Section
8 5-6-4; except where the court determines at the hearing that
9 the defendant violated a condition of his or her probation
10 restricting contact with the victim or other family members or
11 commits another offense with the victim or other family
12 members, the court shall revoke the defendant's probation and
13 impose a term of imprisonment.

14 For the purposes of this Section, "family member" and
15 "victim" shall have the meanings ascribed to them in Section
16 12-12 of the Criminal Code of 1961.

17 (f) (Blank-).

18 (g) Whenever a defendant is convicted of an offense under
19 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
20 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
21 of the Criminal Code of 1961, the defendant shall undergo
22 medical testing to determine whether the defendant has any
23 sexually transmissible disease, including a test for infection
24 with human immunodeficiency virus (HIV) or any other identified
25 causative agent of acquired immunodeficiency syndrome (AIDS).
26 Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of
2 any bodily fluids as well as an examination of the defendant's
3 person. Except as otherwise provided by law, the results of
4 such test shall be kept strictly confidential by all medical
5 personnel involved in the testing and must be personally
6 delivered in a sealed envelope to the judge of the court in
7 which the conviction was entered for the judge's inspection in
8 camera. Acting in accordance with the best interests of the
9 victim and the public, the judge shall have the discretion to
10 determine to whom, if anyone, the results of the testing may be
11 revealed. The court shall notify the defendant of the test
12 results. The court shall also notify the victim if requested by
13 the victim, and if the victim is under the age of 15 and if
14 requested by the victim's parents or legal guardian, the court
15 shall notify the victim's parents or legal guardian of the test
16 results. The court shall provide information on the
17 availability of HIV testing and counseling at Department of
18 Public Health facilities to all parties to whom the results of
19 the testing are revealed and shall direct the State's Attorney
20 to provide the information to the victim when possible. A
21 State's Attorney may petition the court to obtain the results
22 of any HIV test administered under this Section, and the court
23 shall grant the disclosure if the State's Attorney shows it is
24 relevant in order to prosecute a charge of criminal
25 transmission of HIV under Section 12-16.2 of the Criminal Code
26 of 1961 against the defendant. The court shall order that the

1 cost of any such test shall be paid by the county and may be
2 taxed as costs against the convicted defendant.

3 (g-5) When an inmate is tested for an airborne communicable
4 disease, as determined by the Illinois Department of Public
5 Health including but not limited to tuberculosis, the results
6 of the test shall be personally delivered by the warden or his
7 or her designee in a sealed envelope to the judge of the court
8 in which the inmate must appear for the judge's inspection in
9 camera if requested by the judge. Acting in accordance with the
10 best interests of those in the courtroom, the judge shall have
11 the discretion to determine what if any precautions need to be
12 taken to prevent transmission of the disease in the courtroom.

13 (h) Whenever a defendant is convicted of an offense under
14 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
15 defendant shall undergo medical testing to determine whether
16 the defendant has been exposed to human immunodeficiency virus
17 (HIV) or any other identified causative agent of acquired
18 immunodeficiency syndrome (AIDS). Except as otherwise provided
19 by law, the results of such test shall be kept strictly
20 confidential by all medical personnel involved in the testing
21 and must be personally delivered in a sealed envelope to the
22 judge of the court in which the conviction was entered for the
23 judge's inspection in camera. Acting in accordance with the
24 best interests of the public, the judge shall have the
25 discretion to determine to whom, if anyone, the results of the
26 testing may be revealed. The court shall notify the defendant

1 of a positive test showing an infection with the human
2 immunodeficiency virus (HIV). The court shall provide
3 information on the availability of HIV testing and counseling
4 at Department of Public Health facilities to all parties to
5 whom the results of the testing are revealed and shall direct
6 the State's Attorney to provide the information to the victim
7 when possible. A State's Attorney may petition the court to
8 obtain the results of any HIV test administered under this
9 Section, and the court shall grant the disclosure if the
10 State's Attorney shows it is relevant in order to prosecute a
11 charge of criminal transmission of HIV under Section 12-16.2 of
12 the Criminal Code of 1961 against the defendant. The court
13 shall order that the cost of any such test shall be paid by the
14 county and may be taxed as costs against the convicted
15 defendant.

16 (i) All fines and penalties imposed under this Section for
17 any violation of Chapters 3, 4, 6, and 11 of the Illinois
18 Vehicle Code, or a similar provision of a local ordinance, and
19 any violation of the Child Passenger Protection Act, or a
20 similar provision of a local ordinance, shall be collected and
21 disbursed by the circuit clerk as provided under Section 27.5
22 of the Clerks of Courts Act.

23 (j) In cases when prosecution for any violation of Section
24 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
26 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal

1 Code of 1961, any violation of the Illinois Controlled
2 Substances Act, any violation of the Cannabis Control Act, or
3 any violation of the Methamphetamine Control and Community
4 Protection Act results in conviction, a disposition of court
5 supervision, or an order of probation granted under Section 10
6 of the Cannabis Control Act, Section 410 of the Illinois
7 Controlled Substance Act, or Section 70 of the Methamphetamine
8 Control and Community Protection Act of a defendant, the court
9 shall determine whether the defendant is employed by a facility
10 or center as defined under the Child Care Act of 1969, a public
11 or private elementary or secondary school, or otherwise works
12 with children under 18 years of age on a daily basis. When a
13 defendant is so employed, the court shall order the Clerk of
14 the Court to send a copy of the judgment of conviction or order
15 of supervision or probation to the defendant's employer by
16 certified mail. If the employer of the defendant is a school,
17 the Clerk of the Court shall direct the mailing of a copy of
18 the judgment of conviction or order of supervision or probation
19 to the appropriate regional superintendent of schools. The
20 regional superintendent of schools shall notify the State Board
21 of Education of any notification under this subsection.

22 (j-5) A defendant at least 17 years of age who is convicted
23 of a felony and who has not been previously convicted of a
24 misdemeanor or felony and who is sentenced to a term of
25 imprisonment in the Illinois Department of Corrections shall as
26 a condition of his or her sentence be required by the court to

1 attend educational courses designed to prepare the defendant
2 for a high school diploma and to work toward a high school
3 diploma or to work toward passing the high school level Test of
4 General Educational Development (GED) or to work toward
5 completing a vocational training program offered by the
6 Department of Corrections. If a defendant fails to complete the
7 educational training required by his or her sentence during the
8 term of incarceration, the Prisoner Review Board shall, as a
9 condition of mandatory supervised release, require the
10 defendant, at his or her own expense, to pursue a course of
11 study toward a high school diploma or passage of the GED test.
12 The Prisoner Review Board shall revoke the mandatory supervised
13 release of a defendant who wilfully fails to comply with this
14 subsection (j-5) upon his or her release from confinement in a
15 penal institution while serving a mandatory supervised release
16 term; however, the inability of the defendant after making a
17 good faith effort to obtain financial aid or pay for the
18 educational training shall not be deemed a wilful failure to
19 comply. The Prisoner Review Board shall recommit the defendant
20 whose mandatory supervised release term has been revoked under
21 this subsection (j-5) as provided in Section 3-3-9. This
22 subsection (j-5) does not apply to a defendant who has a high
23 school diploma or has successfully passed the GED test. This
24 subsection (j-5) does not apply to a defendant who is
25 determined by the court to be developmentally disabled or
26 otherwise mentally incapable of completing the educational or

1 vocational program.

2 (k) (Blank~~→~~).

3 (l) (A) Except as provided in paragraph (C) of subsection
4 (l), whenever a defendant, who is an alien as defined by
5 the Immigration and Nationality Act, is convicted of any
6 felony or misdemeanor offense, the court after sentencing
7 the defendant may, upon motion of the State's Attorney,
8 hold sentence in abeyance and remand the defendant to the
9 custody of the Attorney General of the United States or his
10 or her designated agent to be deported when:

11 (1) a final order of deportation has been issued
12 against the defendant pursuant to proceedings under
13 the Immigration and Nationality Act, and

14 (2) the deportation of the defendant would not
15 deprecate the seriousness of the defendant's conduct
16 and would not be inconsistent with the ends of justice.

17 Otherwise, the defendant shall be sentenced as
18 provided in this Chapter V.

19 (B) If the defendant has already been sentenced for a
20 felony or misdemeanor offense, or has been placed on
21 probation under Section 10 of the Cannabis Control Act,
22 Section 410 of the Illinois Controlled Substances Act, or
23 Section 70 of the Methamphetamine Control and Community
24 Protection Act, the court may, upon motion of the State's
25 Attorney to suspend the sentence imposed, commit the
26 defendant to the custody of the Attorney General of the

1 United States or his or her designated agent when:

2 (1) a final order of deportation has been issued
3 against the defendant pursuant to proceedings under
4 the Immigration and Nationality Act, and

5 (2) the deportation of the defendant would not
6 deprecate the seriousness of the defendant's conduct
7 and would not be inconsistent with the ends of justice.

8 (C) This subsection (1) does not apply to offenders who
9 are subject to the provisions of paragraph (2) of
10 subsection (a) of Section 3-6-3.

11 (D) Upon motion of the State's Attorney, if a defendant
12 sentenced under this Section returns to the jurisdiction of
13 the United States, the defendant shall be recommitted to
14 the custody of the county from which he or she was
15 sentenced. Thereafter, the defendant shall be brought
16 before the sentencing court, which may impose any sentence
17 that was available under Section 5-5-3 at the time of
18 initial sentencing. In addition, the defendant shall not be
19 eligible for additional good conduct credit for
20 meritorious service as provided under Section 3-6-6.

21 (m) A person convicted of criminal defacement of property
22 under Section 21-1.3 of the Criminal Code of 1961, in which the
23 property damage exceeds \$300 and the property damaged is a
24 school building, shall be ordered to perform community service
25 that may include cleanup, removal, or painting over the
26 defacement.

1 (n) The court may sentence a person convicted of a
2 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
3 Code of 1961 (i) to an impact incarceration program if the
4 person is otherwise eligible for that program under Section
5 5-8-1.1, (ii) to community service, or (iii) if the person is
6 an addict or alcoholic, as defined in the Alcoholism and Other
7 Drug Abuse and Dependency Act, to a substance or alcohol abuse
8 program licensed under that Act.

9 (o) Whenever a person is convicted of a sex offense as
10 defined in Section 2 of the Sex Offender Registration Act, the
11 defendant's driver's license or permit shall be subject to
12 renewal on an annual basis in accordance with the provisions of
13 license renewal established by the Secretary of State.

14 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
15 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
16 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
17 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; revised
18 9-4-09.)

19 (625 ILCS 40/5-7 rep.)

20 (625 ILCS 40/5-7.1 rep.)

21 (625 ILCS 40/5-7.2 rep.)

22 (625 ILCS 40/5-7.3 rep.)

23 (625 ILCS 40/5-7.4 rep.)

24 (625 ILCS 40/5-7.5 rep.)

25 (625 ILCS 40/5-7.6 rep.)

1 Section 35. The Snowmobile Registration and Safety Act is
2 amended by repealing Sections 5-7, 5-7.1, 5-7.2, 5-7.3, 5-7.4,
3 5-7.5, and 5-7.6.

4 (625 ILCS 45/5-16 rep.)

5 (625 ILCS 45/5-16a rep.)

6 (625 ILCS 45/5-16a.1 rep.)

7 (625 ILCS 45/5-16b rep.)

8 Section 40. The Boat Registration and Safety Act is amended
9 by repealing Sections 5-16, 5-16a, 5-16a.1, and 5-16b.

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 99. Effective date. This Act takes effect January
18 1, 2011."