



Sen. M. Maggie Crotty

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09600SB3732sam002

LRB096 20624 AJT 38717 a

1 AMENDMENT TO SENATE BILL 3732

2 AMENDMENT NO. _____. Amend Senate Bill 3732, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 2-118.1, 6-106.1a, 6-118, 6-205, 6-206,
7 6-208.1, 6-303, 6-520, 11-401, 11-500, 11-501.1, 11-501.6, and
8 11-501.8 and by adding Section 1-197.6 as follows:

9 (625 ILCS 5/1-197.6 new)

10 Sec. 1-197.6. Statutory summary revocation of driving
11 privileges. The revocation by the Secretary of State of a
12 person's license or privilege to operate a motor vehicle on the
13 public highways for the period provided in Section 6-208.1.
14 Reinstatement after the revocation period shall occur after the
15 person has been approved for reinstatement through an
16 administrative hearing with the Secretary of State, has filed

1 proof of financial responsibility, has paid the reinstatement
2 fee as provided in Section 6-118, and has successfully
3 completed all necessary examinations. The basis for this
4 revocation of driving privileges shall be the individual's
5 refusal to submit to or failure to complete a chemical test or
6 tests following an arrest for the offense of driving under the
7 influence of alcohol, other drugs, or intoxicating compounds,
8 or any combination thereof involving a motor vehicle accident
9 that caused personal injury or death to another, as provided in
10 Section 11-501.1 of this Code.

11 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

12 Sec. 2-118.1. Opportunity for hearing; statutory summary
13 alcohol or other drug related suspension or revocation pursuant
14 to Section 11-501.1.

15 (a) A statutory summary suspension or revocation of driving
16 privileges under Section 11-501.1 shall not become effective
17 until the person is notified in writing of the impending
18 suspension or revocation and informed that he may request a
19 hearing in the circuit court of venue under paragraph (b) of
20 this Section and the statutory summary suspension or revocation
21 shall become effective as provided in Section 11-501.1.

22 (b) Within 90 days after the notice of statutory summary
23 suspension or revocation served under Section 11-501.1, the
24 person may make a written request for a judicial hearing in the
25 circuit court of venue. The request to the circuit court shall

1 state the grounds upon which the person seeks to have the
2 statutory summary suspension or revocation rescinded. Within
3 30 days after receipt of the written request or the first
4 appearance date on the Uniform Traffic Ticket issued pursuant
5 to a violation of Section 11-501, or a similar provision of a
6 local ordinance, the hearing shall be conducted by the circuit
7 court having jurisdiction. This judicial hearing, request, or
8 process shall not stay or delay the statutory summary
9 suspension or revocation. The hearings shall proceed in the
10 court in the same manner as in other civil proceedings.

11 The hearing may be conducted upon a review of the law
12 enforcement officer's own official reports; provided however,
13 that the person may subpoena the officer. Failure of the
14 officer to answer the subpoena shall be considered grounds for
15 a continuance if in the court's discretion the continuance is
16 appropriate.

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

18 1. Whether the person was placed under arrest for an
19 offense as defined in Section 11-501, or a similar
20 provision of a local ordinance, as evidenced by the
21 issuance of a Uniform Traffic Ticket, or issued a Uniform
22 Traffic Ticket out of state as provided in subsection (a)
23 of Section 11-501.1; and

24 2. Whether the officer had reasonable grounds to
25 believe that the person was driving or in actual physical
26 control of a motor vehicle upon a highway while under the

1 influence of alcohol, other drug, or combination of both;
2 and

3 3. Whether the person, after being advised by the
4 officer that the privilege to operate a motor vehicle would
5 be suspended or revoked if the person refused to submit to
6 and complete the test or tests, did refuse to submit to or
7 complete the test or tests to determine the person's
8 alcohol or drug concentration; or

9 4. Whether the person, after being advised by the
10 officer that the privilege to operate a motor vehicle would
11 be suspended if the person submits to a chemical test, or
12 tests, and the test discloses an alcohol concentration of
13 0.08 or more, or any amount of a drug, substance, or
14 compound in the person's blood or urine resulting from the
15 unlawful use or consumption of cannabis listed in the
16 Cannabis Control Act, a controlled substance listed in the
17 Illinois Controlled Substances Act, an intoxicating
18 compound as listed in the Use of Intoxicating Compounds
19 Act, or methamphetamine as listed in the Methamphetamine
20 Control and Community Protection Act, and the person did
21 submit to and complete the test or tests that determined an
22 alcohol concentration of 0.08 or more.

23 5. If the person's driving privileges were revoked,
24 whether the person was involved in a motor vehicle accident
25 that caused Type A injury or death to another.

26 Upon the conclusion of the judicial hearing, the circuit

1 court shall sustain or rescind the statutory summary suspension
2 or revocation and immediately notify the Secretary of State.
3 Reports received by the Secretary of State under this Section
4 shall be privileged information and for use only by the courts,
5 police officers, and Secretary of State.

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

7 (625 ILCS 5/6-106.1a)

8 Sec. 6-106.1a. Cancellation of school bus driver permit;
9 trace of alcohol.

10 (a) A person who has been issued a school bus driver permit
11 by the Secretary of State in accordance with Section 6-106.1 of
12 this Code and who drives or is in actual physical control of a
13 school bus or any other vehicle owned or operated by or for a
14 public or private school, or a school operated by a religious
15 institution, when the vehicle is being used over a regularly
16 scheduled route for the transportation of persons enrolled as
17 students in grade 12 or below, in connection with any activity
18 of the entities listed, upon the public highways of this State
19 shall be deemed to have given consent to a chemical test or
20 tests of blood, breath, or urine for the purpose of determining
21 the alcohol content of the person's blood if arrested, as
22 evidenced by the issuance of a Uniform Traffic Ticket for any
23 violation of this Code or a similar provision of a local
24 ordinance, if a police officer has probable cause to believe
25 that the driver has consumed any amount of an alcoholic

1 beverage based upon evidence of the driver's physical condition
2 or other first hand knowledge of the police officer. The test
3 or tests shall be administered at the direction of the
4 arresting officer. The law enforcement agency employing the
5 officer shall designate which of the aforesaid tests shall be
6 administered. A urine test may be administered even after a
7 blood or breath test or both has been administered.

8 (b) A person who is dead, unconscious, or who is otherwise
9 in a condition rendering that person incapable of refusal,
10 shall be deemed not to have withdrawn the consent provided by
11 paragraph (a) of this Section and the test or tests may be
12 administered subject to the following provisions:

13 (1) Chemical analysis of the person's blood, urine,
14 breath, or other substance, to be considered valid under
15 the provisions of this Section, shall have been performed
16 according to standards promulgated by the Department of
17 State Police by an individual possessing a valid permit
18 issued by the Department of State Police for this purpose.
19 The Director of State Police is authorized to approve
20 satisfactory techniques or methods, to ascertain the
21 qualifications and competence of individuals to conduct
22 analyses, to issue permits that shall be subject to
23 termination or revocation at the direction of the
24 Department of State Police, and to certify the accuracy of
25 breath testing equipment. The Department of State Police
26 shall prescribe rules as necessary.

1 (2) When a person submits to a blood test at the
2 request of a law enforcement officer under the provisions
3 of this Section, only a physician authorized to practice
4 medicine, a registered nurse, or other qualified person
5 trained in venipuncture and acting under the direction of a
6 licensed physician may withdraw blood for the purpose of
7 determining the alcohol content. This limitation does not
8 apply to the taking of breath or urine specimens.

9 (3) The person tested may have a physician, qualified
10 technician, chemist, registered nurse, or other qualified
11 person of his or her own choosing administer a chemical
12 test or tests in addition to any test or tests administered
13 at the direction of a law enforcement officer. The test
14 administered at the request of the person may be admissible
15 into evidence at a hearing conducted in accordance with
16 Section 2-118 of this Code. The failure or inability to
17 obtain an additional test by a person shall not preclude
18 the consideration of the previously performed chemical
19 test.

20 (4) Upon a request of the person who submits to a
21 chemical test or tests at the request of a law enforcement
22 officer, full information concerning the test or tests
23 shall be made available to the person or that person's
24 attorney by the requesting law enforcement agency within 72
25 hours of receipt of the test result.

26 (5) Alcohol concentration means either grams of

1 alcohol per 100 milliliters of blood or grams of alcohol
2 per 210 liters of breath.

3 (6) If a driver is receiving medical treatment as a
4 result of a motor vehicle accident, a physician licensed to
5 practice medicine, registered nurse, or other qualified
6 person trained in venipuncture and acting under the
7 direction of a licensed physician shall withdraw blood for
8 testing purposes to ascertain the presence of alcohol upon
9 the specific request of a law enforcement officer. However,
10 that testing shall not be performed until, in the opinion
11 of the medical personnel on scene, the withdrawal can be
12 made without interfering with or endangering the
13 well-being of the patient.

14 (c) A person requested to submit to a test as provided in
15 this Section shall be warned by the law enforcement officer
16 requesting the test that a refusal to submit to the test, or
17 submission to the test resulting in an alcohol concentration of
18 more than 0.00, may result in the loss of that person's
19 privilege to possess a school bus driver permit. The loss of
20 the individual's privilege to possess a school bus driver
21 permit shall be imposed in accordance with Section 6-106.1b of
22 this Code.

23 (d) If the person refuses testing or submits to a test that
24 discloses an alcohol concentration of more than 0.00, the law
25 enforcement officer shall immediately submit a sworn report to
26 the Secretary of State on a form prescribed by the Secretary of

1 State certifying that the test or tests were requested under
2 subsection (a) and the person refused to submit to a test or
3 tests or submitted to testing which disclosed an alcohol
4 concentration of more than 0.00. The law enforcement officer
5 shall submit the same sworn report when a person who has been
6 issued a school bus driver permit and who was operating a
7 school bus or any other vehicle owned or operated by or for a
8 public or private school, or a school operated by a religious
9 institution, when the vehicle is being used over a regularly
10 scheduled route for the transportation of persons enrolled as
11 students in grade 12 or below, in connection with any activity
12 of the entities listed, submits to testing under Section
13 11-501.1 of this Code and the testing discloses an alcohol
14 concentration of more than 0.00 and less than the alcohol
15 concentration at which driving or being in actual physical
16 control of a motor vehicle is prohibited under paragraph (1) of
17 subsection (a) of Section 11-501.

18 Upon receipt of the sworn report of a law enforcement
19 officer, the Secretary of State shall enter the school bus
20 driver permit sanction on the individual's driving record and
21 the sanction shall be effective on the 46th day following the
22 date notice of the sanction was given to the person.

23 The law enforcement officer submitting the sworn report
24 shall serve immediate notice of this school bus driver permit
25 sanction on the person and the sanction shall be effective on
26 the 46th day following the date notice was given.

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

9 Upon receipt of the sworn report of a law enforcement
10 officer, the Secretary of State shall also give notice of the
11 school bus driver permit sanction to the driver and the
12 driver's current employer by mailing a notice of the effective
13 date of the sanction to the individual. However, shall the
14 sworn report be defective by not containing sufficient
15 information or be completed in error, the notice of the school
16 bus driver permit sanction may not be mailed to the person or
17 his current employer or entered to the driving record, but
18 rather the sworn report shall be returned to the issuing law
19 enforcement agency.

20 (e) A driver may contest this school bus driver permit
21 sanction by requesting an administrative hearing with the
22 Secretary of State in accordance with Section 2-118 of this
23 Code. An individual whose blood alcohol concentration is shown
24 to be more than 0.00 is not subject to this Section if he or she
25 consumed alcohol in the performance of a religious service or
26 ceremony. An individual whose blood alcohol concentration is

1 shown to be more than 0.00 shall not be subject to this Section
2 if the individual's blood alcohol concentration resulted only
3 from ingestion of the prescribed or recommended dosage of
4 medicine that contained alcohol. The petition for that hearing
5 shall not stay or delay the effective date of the impending
6 suspension. The scope of this hearing shall be limited to the
7 issues of:

8 (1) whether the police officer had probable cause to
9 believe that the person was driving or in actual physical
10 control of a school bus or any other vehicle owned or
11 operated by or for a public or private school, or a school
12 operated by a religious institution, when the vehicle is
13 being used over a regularly scheduled route for the
14 transportation of persons enrolled as students in grade 12
15 or below, in connection with any activity of the entities
16 listed, upon the public highways of the State and the
17 police officer had reason to believe that the person was in
18 violation of any provision of this Code or a similar
19 provision of a local ordinance; and

20 (2) whether the person was issued a Uniform Traffic
21 Ticket for any violation of this Code or a similar
22 provision of a local ordinance; and

23 (3) whether the police officer had probable cause to
24 believe that the driver had consumed any amount of an
25 alcoholic beverage based upon the driver's physical
26 actions or other first-hand knowledge of the police

1 officer; and

2 (4) whether the person, after being advised by the
3 officer that the privilege to possess a school bus driver
4 permit would be canceled if the person refused to submit to
5 and complete the test or tests, did refuse to submit to or
6 complete the test or tests to determine the person's
7 alcohol concentration; and

8 (5) whether the person, after being advised by the
9 officer that the privileges to possess a school bus driver
10 permit would be canceled if the person submits to a
11 chemical test or tests and the test or tests disclose an
12 alcohol concentration of more than 0.00 and the person did
13 submit to and complete the test or tests that determined an
14 alcohol concentration of more than 0.00; and

15 (6) whether the test result of an alcohol concentration
16 of more than 0.00 was based upon the person's consumption
17 of alcohol in the performance of a religious service or
18 ceremony; and

19 (7) whether the test result of an alcohol concentration
20 of more than 0.00 was based upon the person's consumption
21 of alcohol through ingestion of the prescribed or
22 recommended dosage of medicine.

23 The Secretary of State may adopt administrative rules
24 setting forth circumstances under which the holder of a school
25 bus driver permit is not required to appear in person at the
26 hearing.

1 Provided that the petitioner may subpoena the officer, the
2 hearing may be conducted upon a review of the law enforcement
3 officer's own official reports. Failure of the officer to
4 answer the subpoena shall be grounds for a continuance if, in
5 the hearing officer's discretion, the continuance is
6 appropriate. At the conclusion of the hearing held under
7 Section 2-118 of this Code, the Secretary of State may rescind,
8 continue, or modify the school bus driver permit sanction.

9 (f) The results of any chemical testing performed in
10 accordance with subsection (a) of this Section are not
11 admissible in any civil or criminal proceeding, except that the
12 results of the testing may be considered at a hearing held
13 under Section 2-118 of this Code. However, the results of the
14 testing may not be used to impose driver's license sanctions
15 under Section 11-501.1 of this Code. A law enforcement officer
16 may, however, pursue a statutory summary suspension or
17 revocation of driving privileges under Section 11-501.1 of this
18 Code if other physical evidence or first hand knowledge forms
19 the basis of that suspension or revocation.

20 (g) This Section applies only to drivers who have been
21 issued a school bus driver permit in accordance with Section
22 6-106.1 of this Code at the time of the issuance of the Uniform
23 Traffic Ticket for a violation of this Code or a similar
24 provision of a local ordinance, and a chemical test request is
25 made under this Section.

26 (h) The action of the Secretary of State in suspending,

1 revoking, canceling, or denying any license, permit,
 2 registration, or certificate of title shall be subject to
 3 judicial review in the Circuit Court of Sangamon County or in
 4 the Circuit Court of Cook County, and the provisions of the
 5 Administrative Review Law and its rules are hereby adopted and
 6 shall apply to and govern every action for the judicial review
 7 of final acts or decisions of the Secretary of State under this
 8 Section.

9 (Source: P.A. 90-107, eff. 1-1-98; 91-124, eff. 7-16-99;
 10 91-828, eff. 1-1-01.)

11 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
 12 Sec. 6-118. Fees.

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

15	Original driver's license	\$30
16	Original or renewal driver's license	
17	issued to 18, 19 and 20 year olds	5
18	All driver's licenses for persons	
19	age 69 through age 80	5
20	All driver's licenses for persons	
21	age 81 through age 86	2
22	All driver's licenses for persons	
23	age 87 or older	0
24	Renewal driver's license (except for	
25	applicants ages 18, 19 and 20 or	

1 age 69 and older) 30

2 Original instruction permit issued to

3 persons (except those age 69 and older)

4 who do not hold or have not previously

5 held an Illinois instruction permit or

6 driver's license 20

7 Instruction permit issued to any person

8 holding an Illinois driver's license

9 who wishes a change in classifications,

10 other than at the time of renewal 5

11 Any instruction permit issued to a person

12 age 69 and older 5

13 Instruction permit issued to any person,

14 under age 69, not currently holding a

15 valid Illinois driver's license or

16 instruction permit but who has

17 previously been issued either document

18 in Illinois 10

19 Restricted driving permit 8

20 Monitoring device driving permit 8

21 Duplicate or corrected driver's license

22 or permit 5

23 Duplicate or corrected restricted

24 driving permit 5

25 Duplicate or corrected monitoring

26 device driving permit 5

1 Original or renewal M or L endorsement..... 5

2 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

3 The fees for commercial driver licenses and permits
4 under Article V shall be as follows:

5 Commercial driver's license:

6 \$6 for the CDLIS/AAMVAnet Fund
7 (Commercial Driver's License Information
8 System/American Association of Motor Vehicle
9 Administrators network Trust Fund);
10 \$20 for the Motor Carrier Safety Inspection Fund;
11 \$10 for the driver's license;
12 and \$24 for the CDL: \$60

13 Renewal commercial driver's license:

14 \$6 for the CDLIS/AAMVAnet Trust Fund;
15 \$20 for the Motor Carrier Safety Inspection Fund;
16 \$10 for the driver's license; and
17 \$24 for the CDL: \$60

18 Commercial driver instruction permit

19 issued to any person holding a valid
20 Illinois driver's license for the
21 purpose of changing to a
22 CDL classification: \$6 for the
23 CDLIS/AAMVAnet Trust Fund;
24 \$20 for the Motor Carrier
25 Safety Inspection Fund; and
26 \$24 for the CDL classification \$50

1 Commercial driver instruction permit
 2 issued to any person holding a valid
 3 Illinois CDL for the purpose of
 4 making a change in a classification,
 5 endorsement or restriction \$5
 6 CDL duplicate or corrected license \$5

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

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

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

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

26 Suspension under Section 3-707 \$100

1	Summary suspension under Section 11-501.1	\$250
2	<u>Summary revocation under Section 11-501.1</u>	<u>\$500</u>
3	Other suspension	\$70
4	Revocation	\$500

5 However, any person whose license or privilege to operate a
6 motor vehicle in this State has been suspended or revoked for a
7 second or subsequent time for a violation of Section 11-501 or
8 11-501.1 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense or Section 9-3 of
10 the Criminal Code of 1961 and each suspension or revocation was
11 for a violation of Section 11-501 or 11-501.1 of this Code or a
12 similar provision of a local ordinance or a similar
13 out-of-state offense or Section 9-3 of the Criminal Code of
14 1961 shall pay, in addition to any other fees required by this
15 Code, a reinstatement fee as follows:

16	Summary suspension under Section 11-501.1	\$500
17	<u>Summary revocation under Section 11-501.1</u>	<u>\$1,000</u>
18	Revocation	\$500

19 (c) All fees collected under the provisions of this Chapter
20 6 shall be paid into the Road Fund in the State Treasury except
21 as follows:

22 1. The following amounts shall be paid into the Driver
23 Education Fund:

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

26 (B) \$5 of the \$30 fee for an original driver's

1 license;

2 (C) \$5 of the \$30 fee for a 4 year renewal driver's
3 license;

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

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

8 2. \$30 of the \$250 fee for reinstatement of a license
9 summarily suspended under Section 11-501.1 shall be
10 deposited into the Drunk and Drugged Driving Prevention
11 Fund. However, for a person whose license or privilege to
12 operate a motor vehicle in this State has been suspended or
13 revoked for a second or subsequent time for a violation of
14 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
15 the Criminal Code of 1961, \$190 of the \$500 fee for
16 reinstatement of a license summarily suspended under
17 Section 11-501.1, and \$190 of the \$500 fee for
18 reinstatement of a revoked license shall be deposited into
19 the Drunk and Drugged Driving Prevention Fund. \$190 of the
20 \$500 fee for first offenders and \$380 of the \$1,000 fee for
21 second or subsequent offenders for reinstatement of a
22 license summarily revoked pursuant to Section 11-501.1
23 shall be deposited into the Drunk and Drugged Driving
24 Prevention Fund.

25 3. \$6 of such original or renewal fee for a commercial
26 driver's license and \$6 of the commercial driver

1 instruction permit fee when such permit is issued to any
2 person holding a valid Illinois driver's license, shall be
3 paid into the CDLIS/AAMVAnet Trust Fund.

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

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

10 6. \$20 of any original or renewal fee for a commercial
11 driver's license or commercial driver instruction permit
12 shall be paid into the Motor Carrier Safety Inspection
13 Fund.

14 7. The following amounts shall be paid into the General
15 Revenue Fund:

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

18 (B) \$40 of the \$70 reinstatement fee for any other
19 suspension provided in subsection (b) of this Section;
20 and

21 (C) \$440 of the \$500 reinstatement fee for a first
22 offense revocation and \$310 of the \$500 reinstatement
23 fee for a second or subsequent revocation.

24 (d) All of the proceeds of the additional fees imposed by
25 this amendatory Act of the 96th General Assembly shall be
26 deposited into the Capital Projects Fund.

1 (e) The additional fees imposed by this amendatory Act of
2 the 96th General Assembly shall become effective 90 days after
3 becoming law.

4 (Source: P.A. 95-855, eff. 1-1-09; 96-34, eff. 7-13-09; 96-38,
5 eff. 7-13-09.)

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

7 Sec. 6-205. Mandatory revocation of license or permit;
8 Hardship cases.

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

13 1. Reckless homicide resulting from the operation of a
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds, or any
20 combination thereof;

21 3. Any felony under the laws of any State or the
22 federal government in the commission of which a motor
23 vehicle was used;

24 4. Violation of Section 11-401 of this Code relating to
25 the offense of leaving the scene of a traffic accident

1 involving death or personal injury;

2 5. Perjury or the making of a false affidavit or
3 statement under oath to the Secretary of State under this
4 Code or under any other law relating to the ownership or
5 operation of motor vehicles;

6 6. Conviction upon 3 charges of violation of Section
7 11-503 of this Code relating to the offense of reckless
8 driving committed within a period of 12 months;

9 7. Conviction of any offense defined in Section 4-102
10 of this Code;

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

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

14 10. Violation of Section 12-5 of the Criminal Code of
15 1961 arising from the use of a motor vehicle;

16 11. Violation of Section 11-204.1 of this Code relating
17 to aggravated fleeing or attempting to elude a peace
18 officer;

19 12. Violation of paragraph (1) of subsection (b) of
20 Section 6-507, or a similar law of any other state,
21 relating to the unlawful operation of a commercial motor
22 vehicle;

23 13. Violation of paragraph (a) of Section 11-502 of
24 this Code or a similar provision of a local ordinance if
25 the driver has been previously convicted of a violation of
26 that Section or a similar provision of a local ordinance

1 and the driver was less than 21 years of age at the time of
2 the offense;

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

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

10 (b) The Secretary of State shall also immediately revoke
11 the license or permit of any driver in the following
12 situations:

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

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

21 3. Of any person adjudicated under the Juvenile Court
22 Act of 1987 based on an offense determined to have been
23 committed in furtherance of the criminal activities of an
24 organized gang as provided in Section 5-710 of that Act,
25 and that involved the operation or use of a motor vehicle
26 or the use of a driver's license or permit. The revocation

1 shall remain in effect for the period determined by the
2 court. Upon the direction of the court, the Secretary shall
3 issue the person a judicial driving permit, also known as a
4 JDP. The JDP shall be subject to the same terms as a JDP
5 issued under Section 6-206.1, except that the court may
6 direct that a JDP issued under this subdivision (b)(3) be
7 effective immediately.

8 (c)(1) Except as provided in subsection (c-5), whenever a
9 person is convicted of any of the offenses enumerated in this
10 Section, the court may recommend and the Secretary of State in
11 his discretion, without regard to whether the recommendation is
12 made by the court may, upon application, issue to the person a
13 restricted driving permit granting the privilege of driving a
14 motor vehicle between the petitioner's residence and
15 petitioner's place of employment or within the scope of the
16 petitioner's employment related duties, or to allow the
17 petitioner to transport himself or herself or a family member
18 of the petitioner's household to a medical facility for the
19 receipt of necessary medical care or to allow the petitioner to
20 transport himself or herself to and from alcohol or drug
21 remedial or rehabilitative activity recommended by a licensed
22 service provider, or to allow the petitioner to transport
23 himself or herself or a family member of the petitioner's
24 household to classes, as a student, at an accredited
25 educational institution, or to allow the petitioner to
26 transport children living in the petitioner's household to and

1 from daycare; if the petitioner is able to demonstrate that no
2 alternative means of transportation is reasonably available
3 and that the petitioner will not endanger the public safety or
4 welfare; provided that the Secretary's discretion shall be
5 limited to cases where undue hardship, as defined by the rules
6 of the Secretary of State, would result from a failure to issue
7 the restricted driving permit. Those multiple offenders
8 identified in subdivision (b)4 of Section 6-208 of this Code,
9 however, shall not be eligible for the issuance of a restricted
10 driving permit.

11 (2) If a person's license or permit is revoked or
12 suspended due to 2 or more convictions of violating Section
13 11-501 of this Code or a similar provision of a local
14 ordinance or a similar out-of-state offense, or Section 9-3
15 of the Criminal Code of 1961, where the use of alcohol or
16 other drugs is recited as an element of the offense, or a
17 similar out-of-state offense, or a combination of these
18 offenses, arising out of separate occurrences, that
19 person, if issued a restricted driving permit, may not
20 operate a vehicle unless it has been equipped with an
21 ignition interlock device as defined in Section 1-129.1.

22 (3) If:

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

26 (i) a single conviction of violating Section

1 11-501 of this Code or a similar provision of a
2 local ordinance or a similar out-of-state offense,
3 or Section 9-3 of the Criminal Code of 1961, where
4 the use of alcohol or other drugs is recited as an
5 element of the offense, or a similar out-of-state
6 offense; or

7 (ii) a statutory summary suspension or
8 revocation under Section 11-501.1; or

9 (iii) a suspension pursuant to Section
10 6-203.1;

11 arising out of separate occurrences; or

12 (B) a person has been convicted of one violation of
13 Section 6-303 of this Code committed while his or her
14 driver's license, permit, or privilege was revoked
15 because of a violation of Section 9-3 of the Criminal
16 Code of 1961, relating to the offense of reckless
17 homicide where the use of alcohol or other drugs was
18 recited as an element of the offense, or a similar
19 provision of a law of another state;

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

23 (4) The person issued a permit conditioned on the use
24 of an ignition interlock device must pay to the Secretary
25 of State DUI Administration Fund an amount not to exceed
26 \$30 per month. The Secretary shall establish by rule the

1 amount and the procedures, terms, and conditions relating
2 to these fees.

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

9 (6) In each case the Secretary of State may issue a
10 restricted driving permit for a period he deems
11 appropriate, except that the permit shall expire within one
12 year from the date of issuance. The Secretary may not,
13 however, issue a restricted driving permit to any person
14 whose current revocation is the result of a second or
15 subsequent conviction for a violation of Section 11-501 of
16 this Code or a similar provision of a local ordinance or
17 any similar out-of-state offense, or Section 9-3 of the
18 Criminal Code of 1961, where the use of alcohol or other
19 drugs is recited as an element of the offense, or any
20 similar out-of-state offense, or any combination of these
21 offenses, until the expiration of at least one year from
22 the date of the revocation. A restricted driving permit
23 issued under this Section shall be subject to cancellation,
24 revocation, and suspension by the Secretary of State in
25 like manner and for like cause as a driver's license issued
26 under this Code may be cancelled, revoked, or suspended;

1 except that a conviction upon one or more offenses against
2 laws or ordinances regulating the movement of traffic shall
3 be deemed sufficient cause for the revocation, suspension,
4 or cancellation of a restricted driving permit. The
5 Secretary of State may, as a condition to the issuance of a
6 restricted driving permit, require the petitioner to
7 participate in a designated driver remedial or
8 rehabilitative program. The Secretary of State is
9 authorized to cancel a restricted driving permit if the
10 permit holder does not successfully complete the program.
11 However, if an individual's driving privileges have been
12 revoked in accordance with paragraph 13 of subsection (a)
13 of this Section, no restricted driving permit shall be
14 issued until the individual has served 6 months of the
15 revocation period.

16 (c-5) (Blank).

17 (c-6) If a person is convicted of a second violation of
18 operating a motor vehicle while the person's driver's license,
19 permit or privilege was revoked, where the revocation 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
23 pursuant to subdivision (a)(15) of this Section. The person may
24 not make application for a license or permit until the
25 expiration of five years from the effective date of the
26 revocation or the expiration of five years from the date of

1 release from a term of imprisonment, whichever is later.

2 (c-7) If a person is convicted of a third or subsequent
3 violation of operating a motor vehicle while the person's
4 driver's license, permit or privilege was revoked, where the
5 revocation was for a violation of Section 9-3 of the Criminal
6 Code of 1961 relating to the offense of reckless homicide or a
7 similar out-of-state offense, the person may never apply for a
8 license or permit.

9 (d) (1) Whenever a person under the age of 21 is convicted
10 under Section 11-501 of this Code or a similar provision of a
11 local ordinance or a similar out-of-state offense, the
12 Secretary of State shall revoke the driving privileges of that
13 person. One year after the date of revocation, and upon
14 application, the Secretary of State may, if satisfied that the
15 person applying will not endanger the public safety or welfare,
16 issue a restricted driving permit granting the privilege of
17 driving a motor vehicle only between the hours of 5 a.m. and 9
18 p.m. or as otherwise provided by this Section for a period of
19 one year. After this one year period, and upon reapplication
20 for a license as provided in Section 6-106, upon payment of the
21 appropriate reinstatement fee provided under paragraph (b) of
22 Section 6-118, the Secretary of State, in his discretion, may
23 reinstate the petitioner's driver's license and driving
24 privileges, or extend the restricted driving permit as many
25 times as the Secretary of State deems appropriate, by
26 additional periods of not more than 12 months each.

1 (2) If a person's license or permit is revoked or
2 suspended due to 2 or more convictions of violating Section
3 11-501 of this Code or a similar provision of a local
4 ordinance or a similar out-of-state offense, or Section 9-3
5 of the Criminal Code of 1961, where the use of alcohol or
6 other drugs is recited as an element of the offense, or a
7 similar out-of-state offense, or a combination of these
8 offenses, arising out of separate occurrences, that
9 person, if issued a restricted driving permit, may not
10 operate a vehicle unless it has been equipped with an
11 ignition interlock device as defined in Section 1-129.1.

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

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

21 (B) a statutory summary suspension or revocation
22 under Section 11-501.1; or

23 (C) a suspension pursuant to Section 6-203.1;
24 arising out of separate occurrences, that person, if issued
25 a restricted driving permit, may not operate a vehicle
26 unless it has been equipped with an ignition interlock

1 device as defined in Section 1-129.1.

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

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

14 (6) A restricted driving permit issued under this
15 Section shall be subject to cancellation, revocation, and
16 suspension by the Secretary of State in like manner and for
17 like cause as a driver's license issued under this Code may
18 be cancelled, revoked, or suspended; except that a
19 conviction upon one or more offenses against laws or
20 ordinances regulating the movement of traffic shall be
21 deemed sufficient cause for the revocation, suspension, or
22 cancellation of a restricted driving permit.

23 (d-5) The revocation of the license, permit, or driving
24 privileges of a person convicted of a third or subsequent
25 violation of Section 6-303 of this Code committed while his or
26 her driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961,
2 relating to the offense of reckless homicide, or a similar
3 provision of a law of another state, is permanent. The
4 Secretary may not, at any time, issue a license or permit to
5 that person.

6 (e) This Section is subject to the provisions of the Driver
7 License Compact.

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

12 (g) The Secretary of State shall not issue a restricted
13 driving permit to a person under the age of 16 years whose
14 driving privileges have been revoked under any provisions of
15 this Code.

16 (h) The Secretary of State shall require the use of
17 ignition interlock devices on all vehicles owned by a person
18 who has been convicted of a second or subsequent offense under
19 Section 11-501 of this Code or a similar provision of a local
20 ordinance. 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 (i) (Blank).

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

6 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
7 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
8 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
9 96-607, eff. 8-24-09.)

10 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

13 (a) The Secretary of State is authorized to suspend or
14 revoke the driving privileges of any person without preliminary
15 hearing upon a showing of the person's records or other
16 sufficient evidence that the person:

17 1. Has committed an offense for which mandatory
18 revocation of a driver's license or permit is required upon
19 conviction;

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

25 3. Has been repeatedly involved as a driver in motor

1 vehicle collisions or has been repeatedly convicted of
2 offenses against laws and ordinances regulating the
3 movement of traffic, to a degree that indicates lack of
4 ability to exercise ordinary and reasonable care in the
5 safe operation of a motor vehicle or disrespect for the
6 traffic laws and the safety of other persons upon the
7 highway;

8 4. Has by the unlawful operation of a motor vehicle
9 caused or contributed to an accident resulting in death or
10 injury requiring immediate professional treatment in a
11 medical facility or doctor's office to any person, except
12 that any suspension or revocation imposed by the Secretary
13 of State under the provisions of this subsection shall
14 start no later than 6 months after being convicted of
15 violating a law or ordinance regulating the movement of
16 traffic, which violation is related to the accident, or
17 shall start not more than one year after the date of the
18 accident, whichever date occurs later;

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

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

25 7. Has refused or failed to submit to an examination
26 provided for by Section 6-207 or has failed to pass the

1 examination;

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

4 9. Has made a false statement or knowingly concealed a
5 material fact or has used false information or
6 identification in any application for a license,
7 identification card, or permit;

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

11 11. Has operated a motor vehicle upon a highway of this
12 State when the person's driving privilege or privilege to
13 obtain a driver's license or permit was revoked or
14 suspended unless the operation was authorized by a
15 monitoring device driving permit, judicial driving permit
16 issued prior to January 1, 2009, probationary license to
17 drive, or a restricted driving permit issued under this
18 Code;

19 12. Has submitted to any portion of the application
20 process for another person or has obtained the services of
21 another person to submit to any portion of the application
22 process for the purpose of obtaining a license,
23 identification card, or permit for some other person;

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

1 14. Has committed a violation of Section 6-301,
2 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
3 of the Illinois Identification Card Act;

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

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

10 17. Has refused to submit to a test, or tests, as
11 required under Section 11-501.1 of this Code and the person
12 has not sought a hearing as provided for in Section
13 11-501.1;

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

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

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

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

26 22. Has used a motor vehicle in violating paragraph

1 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
2 the Criminal Code of 1961 relating to unlawful use of
3 weapons, in which case the suspension shall be for one
4 year;

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

9 24. Has been convicted by a court-martial or punished
10 by non-judicial punishment by military authorities of the
11 United States at a military installation in Illinois of or
12 for a traffic related offense that is the same as or
13 similar to an offense specified under Section 6-205 or
14 6-206 of this Code;

15 25. Has permitted any form of identification to be used
16 by another in the application process in order to obtain or
17 attempt to obtain a license, identification card, or
18 permit;

19 26. Has altered or attempted to alter a license or has
20 possessed an altered license, identification card, or
21 permit;

22 27. Has violated Section 6-16 of the Liquor Control Act
23 of 1934;

24 28. Has been convicted of the illegal possession, while
25 operating or in actual physical control, as a driver, of a
26 motor vehicle, of any controlled substance prohibited

1 under the Illinois Controlled Substances Act, any cannabis
2 prohibited under the Cannabis Control Act, or any
3 methamphetamine prohibited under the Methamphetamine
4 Control and Community Protection Act, in which case the
5 person's driving privileges shall be suspended for one
6 year, and any driver who is convicted of a second or
7 subsequent offense, within 5 years of a previous
8 conviction, for the illegal possession, while operating or
9 in actual physical control, as a driver, of a motor
10 vehicle, of any controlled substance prohibited under the
11 Illinois Controlled Substances Act, any cannabis
12 prohibited under the Cannabis Control Act, or any
13 methamphetamine prohibited under the Methamphetamine
14 Control and Community Protection Act shall be suspended for
15 5 years. Any defendant found guilty of this offense while
16 operating a motor vehicle, shall have an entry made in the
17 court record by the presiding judge that this offense did
18 occur while the defendant was operating a motor vehicle and
19 order the clerk of the court to report the violation to the
20 Secretary of State;

21 29. Has been convicted of the following offenses that
22 were committed while the person was operating or in actual
23 physical control, as a driver, of a motor vehicle: criminal
24 sexual assault, predatory criminal sexual assault of a
25 child, aggravated criminal sexual assault, criminal sexual
26 abuse, aggravated criminal sexual abuse, juvenile pimping,

1 soliciting for a juvenile prostitute and the manufacture,
2 sale or delivery of controlled substances or instruments
3 used for illegal drug use or abuse in which case the
4 driver's driving privileges shall be suspended for one
5 year;

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

10 31. Has refused to submit to a test as required by
11 Section 11-501.6 or has submitted to a test resulting in an
12 alcohol concentration of 0.08 or more or any amount of a
13 drug, substance, or compound resulting from the unlawful
14 use or consumption of cannabis as listed in the Cannabis
15 Control Act, a controlled substance as listed in the
16 Illinois Controlled Substances Act, an intoxicating
17 compound as listed in the Use of Intoxicating Compounds
18 Act, or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act, in which case the
20 penalty shall be as prescribed in Section 6-208.1;

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

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of
2 a violation of paragraph (a) of Section 11-502 of this Code
3 or a similar provision of a local ordinance;

4 34. Has committed a violation of Section 11-1301.5 of
5 this Code;

6 35. Has committed a violation of Section 11-1301.6 of
7 this Code;

8 36. Is under the age of 21 years at the time of arrest
9 and has been convicted of not less than 2 offenses against
10 traffic regulations governing the movement of vehicles
11 committed within any 24 month period. No revocation or
12 suspension shall be entered more than 6 months after the
13 date of last conviction;

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

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

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

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

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code within 2 years of the date of
26 the previous violation, in which case the suspension shall

1 be for 90 days;

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

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

9 44. Is under the age of 21 years at the time of arrest
10 and has been convicted of an offense against traffic
11 regulations governing the movement of vehicles after
12 having previously had his or her driving privileges
13 suspended or revoked pursuant to subparagraph 36 of this
14 Section; or

15 45. Has, in connection with or during the course of a
16 formal hearing conducted under Section 2-118 of this Code:
17 (i) committed perjury; (ii) submitted fraudulent or
18 falsified documents; (iii) submitted documents that have
19 been materially altered; or (iv) submitted, as his or her
20 own, documents that were in fact prepared or composed for
21 another person.

22 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
23 and 27 of this subsection, license means any driver's license,
24 any traffic ticket issued when the person's driver's license is
25 deposited in lieu of bail, a suspension notice issued by the
26 Secretary of State, a duplicate or corrected driver's license,

1 a probationary driver's license or a temporary driver's
2 license.

3 (b) If any conviction forming the basis of a suspension or
4 revocation authorized under this Section is appealed, the
5 Secretary of State may rescind or withhold the entry of the
6 order of suspension or revocation, as the case may be, provided
7 that a certified copy of a stay order of a court is filed with
8 the Secretary of State. If the conviction is affirmed on
9 appeal, the date of the conviction shall relate back to the
10 time the original judgment of conviction was entered and the 6
11 month limitation prescribed shall not apply.

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

18 2. If the Secretary of State suspends the driver's
19 license of a person under subsection 2 of paragraph (a) of
20 this Section, a person's privilege to operate a vehicle as
21 an occupation shall not be suspended, provided an affidavit
22 is properly completed, the appropriate fee received, and a
23 permit issued prior to the effective date of the
24 suspension, unless 5 offenses were committed, at least 2 of
25 which occurred while operating a commercial vehicle in
26 connection with the driver's regular occupation. All other

1 driving privileges shall be suspended by the Secretary of
2 State. Any driver prior to operating a vehicle for
3 occupational purposes only must submit the affidavit on
4 forms to be provided by the Secretary of State setting
5 forth the facts of the person's occupation. The affidavit
6 shall also state the number of offenses committed while
7 operating a vehicle in connection with the driver's regular
8 occupation. The affidavit shall be accompanied by the
9 driver's license. Upon receipt of a properly completed
10 affidavit, the Secretary of State shall issue the driver a
11 permit to operate a vehicle in connection with the driver's
12 regular occupation only. Unless the permit is issued by the
13 Secretary of State prior to the date of suspension, the
14 privilege to drive any motor vehicle shall be suspended as
15 set forth in the notice that was mailed under this Section.
16 If an affidavit is received subsequent to the effective
17 date of this suspension, a permit may be issued for the
18 remainder of the suspension period.

19 The provisions of this subparagraph shall not apply to
20 any driver required to possess a CDL for the purpose of
21 operating a commercial motor vehicle.

22 Any person who falsely states any fact in the affidavit
23 required herein shall be guilty of perjury under Section
24 6-302 and upon conviction thereof shall have all driving
25 privileges revoked without further rights.

26 3. At the conclusion of a hearing under Section 2-118

1 of this Code, the Secretary of State shall either rescind
2 or continue an order of revocation or shall substitute an
3 order of suspension; or, good cause appearing therefor,
4 rescind, continue, change, or extend the order of
5 suspension. If the Secretary of State does not rescind the
6 order, the Secretary may upon application, to relieve undue
7 hardship (as defined by the rules of the Secretary of
8 State), issue a restricted driving permit granting the
9 privilege of driving a motor vehicle between the
10 petitioner's residence and petitioner's place of
11 employment or within the scope of the petitioner's
12 employment related duties, or to allow the petitioner to
13 transport himself or herself, or a family member of the
14 petitioner's household to a medical facility, to receive
15 necessary medical care, to allow the petitioner to
16 transport himself or herself to and from alcohol or drug
17 remedial or rehabilitative activity recommended by a
18 licensed service provider, or to allow the petitioner to
19 transport himself or herself or a family member of the
20 petitioner's household to classes, as a student, at an
21 accredited educational institution, or to allow the
22 petitioner to transport children living in the
23 petitioner's household to and from daycare. The petitioner
24 must demonstrate that no alternative means of
25 transportation is reasonably available and that the
26 petitioner will not endanger the public safety or welfare.

1 Those multiple offenders identified in subdivision (b)4 of
2 Section 6-208 of this Code, however, shall not be eligible
3 for the issuance of a restricted driving permit.

4 (A) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating
6 Section 11-501 of this Code or a similar provision of a
7 local ordinance or a similar out-of-state offense, or
8 Section 9-3 of the Criminal Code of 1961, where the use
9 of alcohol or other drugs is recited as an element of
10 the offense, or a similar out-of-state offense, or a
11 combination of these offenses, arising out of separate
12 occurrences, that person, if issued a restricted
13 driving permit, may not operate a vehicle unless it has
14 been equipped with an ignition interlock device as
15 defined in Section 1-129.1.

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

19 (i) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a
21 local ordinance or a similar out-of-state offense
22 or Section 9-3 of the Criminal Code of 1961, where
23 the use of alcohol or other drugs is recited as an
24 element of the offense, or a similar out-of-state
25 offense; or

26 (ii) a statutory summary suspension or

1 revocation under Section 11-501.1; or

2 (iii) a suspension under Section 6-203.1;
3 arising out of separate occurrences; that person, if
4 issued a restricted driving permit, may not operate a
5 vehicle unless it has been equipped with an ignition
6 interlock device as defined in Section 1-129.1.

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

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

20 (E) In each case the Secretary may issue a
21 restricted driving permit for a period deemed
22 appropriate, except that all permits shall expire
23 within one year from the date of issuance. The
24 Secretary may not, however, issue a restricted driving
25 permit to any person whose current revocation is the
26 result of a second or subsequent conviction for a

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

25 (c-3) In the case of a suspension under paragraph 43 of
26 subsection (a), reports received by the Secretary of State

1 under this Section shall, except during the actual time the
2 suspension is in effect, be privileged information and for use
3 only by the courts, police officers, prosecuting authorities,
4 the driver licensing administrator of any other state, the
5 Secretary of State, or the parent or legal guardian of a driver
6 under the age of 18. However, beginning January 1, 2008, if the
7 person is a CDL holder, the suspension shall also be made
8 available to the driver licensing administrator of any other
9 state, the U.S. Department of Transportation, and the affected
10 driver or motor carrier or prospective motor carrier upon
11 request.

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

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

24 (d) This Section is subject to the provisions of the
25 Drivers License Compact.

26 (e) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose
2 driving privileges have been suspended or revoked under any
3 provisions of this Code.

4 (f) In accordance with 49 C.F.R. 384, the Secretary of
5 State may not issue a restricted driving permit for the
6 operation of a commercial motor vehicle to a person holding a
7 CDL whose driving privileges have been suspended, revoked,
8 cancelled, or disqualified under any provisions of this Code.

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

13 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

14 Sec. 6-208.1. Period of statutory summary alcohol, other
15 drug, or intoxicating compound related suspension or
16 revocation.

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

22 1. Twelve months from the effective date of the
23 statutory summary suspension for a refusal or failure to
24 complete a test or tests to determine the alcohol, drug, or
25 intoxicating compound concentration, pursuant to Section

1 11-501.1, if the person was not involved in a motor vehicle
2 crash that caused personal injury or death to another; or

3 2. Six months from the effective date of the statutory
4 summary suspension imposed following the person's
5 submission to a chemical test which disclosed an alcohol
6 concentration of 0.08 or more, or any amount of a drug,
7 substance, or intoxicating compound in such person's
8 breath, blood, or urine resulting from the unlawful use or
9 consumption of cannabis listed in the Cannabis Control Act,
10 a controlled substance listed in the Illinois Controlled
11 Substances Act, an intoxicating compound listed in the Use
12 of Intoxicating Compounds Act, or methamphetamine as
13 listed in the Methamphetamine Control and Community
14 Protection Act, pursuant to Section 11-501.1; or

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

20 4. One year from the effective date of the summary
21 suspension imposed for any person other than a first
22 offender following submission to a chemical test which
23 disclosed an alcohol concentration of 0.08 or more pursuant
24 to Section 11-501.1 or any amount of a drug, substance or
25 compound in such person's blood or urine resulting from the
26 unlawful use or consumption of cannabis listed in the

1 Cannabis Control Act, a controlled substance listed in the
2 Illinois Controlled Substances Act, an intoxicating
3 compound listed in the Use of Intoxicating Compounds Act,
4 or methamphetamine as listed in the Methamphetamine
5 Control and Community Protection Act.

6 (a-1) Unless the statutory summary revocation has been
7 rescinded, any person whose privilege to drive has been
8 summarily revoked pursuant to Section 11-501.1 may not make
9 application for a license or permit until the expiration of one
10 year from the effective date of the summary revocation.

11 (b) Following a statutory summary suspension of the
12 privilege to drive a motor vehicle under Section 11-501.1,
13 driving privileges shall be restored unless the person is
14 otherwise suspended, revoked, or cancelled by this Code. If the
15 court has reason to believe that the person's driving privilege
16 should not be restored, the court shall notify the Secretary of
17 State prior to the expiration of the statutory summary
18 suspension so appropriate action may be taken pursuant to this
19 Code.

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

24 (d) Where a driving privilege has been summarily suspended
25 or revoked under Section 11-501.1 and the person is
26 subsequently convicted of violating Section 11-501, or a

1 similar provision of a local ordinance, for the same incident,
2 any period served on statutory summary suspension or revocation
3 shall be credited toward the minimum period of revocation of
4 driving privileges imposed pursuant to Section 6-205.

5 (e) Following a statutory summary suspension of driving
6 privileges pursuant to Section 11-501.1, for a first offender,
7 the circuit court shall, unless the offender has opted in
8 writing not to have a monitoring device driving permit issued,
9 order the Secretary of State to issue a monitoring device
10 driving permit as provided in Section 6-206.1. A monitoring
11 device driving permit shall not be effective prior to the 31st
12 day of the statutory summary suspension. A first offender who
13 refused chemical testing and whose driving privileges were
14 summarily revoked pursuant to Section 11-501.1 shall not be
15 eligible for any type of driving permit or privilege during the
16 summary revocation.

17 (f) (Blank).

18 (g) Following a statutory summary suspension or revocation
19 of driving privileges pursuant to Section 11-501.1 where the
20 person was not a first offender, as defined in Section 11-500,
21 the Secretary of State may not issue a restricted driving
22 permit.

23 (h) (Blank).

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

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 operate a motor vehicle is suspended or revoked.

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

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

1 (b) (Blank).

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

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

26 (b-3) (Blank).

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

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

16 (b-6) Upon receiving a report of a first conviction of
17 operating a motor vehicle while the person's driver's license,
18 permit or privilege was revoked where the revocation 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, the Secretary shall not issue a driver's license for
22 an additional period of three years from the date of such
23 conviction.

24 (c) Except as provided in subsections (c-3) and (c-4), any
25 person convicted of violating this Section shall serve a
26 minimum term of imprisonment of 10 consecutive days or 30 days

1 of community service when the person's driving privilege was
2 revoked or suspended as a result of:

3 (1) a violation of Section 11-501 of this Code or a
4 similar provision of a local ordinance relating to the
5 offense of operating or being in physical control of a
6 vehicle while under the influence of alcohol, any other
7 drug or any combination thereof; or

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

12 (3) a statutory summary suspension or revocation under
13 Section 11-501.1 of this Code.

14 Such sentence of imprisonment or community service shall
15 not be subject to suspension in order to reduce such sentence.

16 (c-1) Except as provided in subsections (c-5) and (d), any
17 person convicted of a second violation of this Section shall be
18 ordered by the court to serve a minimum of 100 hours of
19 community service.

20 (c-2) In addition to other penalties imposed under this
21 Section, the court may impose on any person convicted a fourth
22 time of violating this Section any of the following:

23 (1) Seizure of the license plates of the person's
24 vehicle.

25 (2) Immobilization of the person's vehicle for a period
26 of time to be determined by the court.

1 (c-3) Any person convicted of a violation of this Section
2 during a period of summary suspension imposed pursuant to
3 Section 11-501.1 when the person was eligible for a MDDP shall
4 be guilty of a Class 4 felony and shall serve a minimum term of
5 imprisonment of 30 days.

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

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

19 (d) Any person convicted of a second violation of this
20 Section shall be guilty of a Class 4 felony and shall serve a
21 minimum term of imprisonment of 30 days or 300 hours of
22 community service, as determined by the court, if the original
23 revocation or suspension was for a violation of Section 11-401
24 or 11-501 of this Code, or a similar out-of-state offense, or a
25 similar provision of a local ordinance, or a statutory summary
26 suspension or revocation under Section 11-501.1 of this Code.

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

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

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

21 (d-3) Any person convicted of a fourth, fifth, sixth,
22 seventh, eighth, or ninth violation of this Section is guilty
23 of a Class 4 felony and must serve a minimum term of
24 imprisonment of 180 days if the revocation or suspension was
25 for a violation of Section 11-401 or 11-501 of this Code, or a
26 similar out-of-state offense, or a similar provision of a local

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

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

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

19 (d-5) Any person convicted of a fifteenth or subsequent
20 violation of this Section is guilty of a Class 2 felony, and is
21 not eligible for probation or conditional discharge, if the
22 revocation or suspension was for a violation of Section 11-401
23 or 11-501 of this Code, or a similar out-of-state offense, or a
24 similar provision of a local ordinance, or a statutory summary
25 suspension or revocation under Section 11-501.1 of this Code.

26 (e) Any person in violation of this Section who is also in

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

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

12 (g) The motor vehicle used in a violation of this Section
13 is subject to seizure and forfeiture as provided in Sections
14 36-1 and 36-2 of the Criminal Code of 1961 if the person's
15 driving privilege was revoked or suspended as a result of a
16 violation listed in paragraph (1) or (2) of subsection (c) of
17 this Section, as a result of a summary suspension or revocation
18 as provided in paragraph (3) of subsection (c) of this Section,
19 or as a result of a violation of Section 9-3 of the Criminal
20 Code of 1961 relating to the offense of reckless homicide.

21 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,
22 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,
23 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09; revised
24 9-15-09.)

1 Sec. 6-520. CDL disqualification or out-of-service order;
2 hearing.

3 (a) A disqualification of commercial driving privileges by
4 the Secretary of State, pursuant to this UCDLA, shall not
5 become effective until the person is notified in writing, by
6 the Secretary, of the impending disqualification and advised
7 that a CDL hearing may be requested of the Secretary if the
8 stop or arrest occurred in a commercial motor vehicle.

9 (b) Upon receipt of: the notice of a CDL disqualification
10 not based upon a conviction; an out-of-service order; or
11 notification that a CDL disqualification is forthcoming, the
12 person may make a written petition in a form, approved by the
13 Secretary of State, for a CDL hearing with the Secretary if the
14 stop or arrest occurred in a commercial motor vehicle. Such
15 petition must state the grounds upon which the person seeks to
16 have the CDL disqualification rescinded or the out-of-service
17 order removed from the person's driving record. Within 10 days
18 after the receipt of such petition, it shall be reviewed by the
19 Director of the Department of Administrative Hearings, Office
20 of the Secretary of State, or by an appointed designee. If it
21 is determined that the petition on its face does not state
22 grounds upon which the relief may be based, the petition for a
23 CDL hearing shall be denied and the disqualification shall
24 become effective as if no petition had been filed and the
25 out-of-service order shall be sustained. If such petition is so
26 denied, the person may submit another petition.

1 (c) The scope of a CDL hearing, for any disqualification
2 imposed pursuant to paragraphs (1) and (2) of subsection (a) of
3 Section 6-514, resulting from the operation of a commercial
4 motor vehicle, shall be limited to the following issues:

5 1. Whether the person was operating a commercial motor
6 vehicle;

7 2. Whether, after making the initial stop, the police
8 officer had probable cause to issue a Sworn Report;

9 3. Whether the person was verbally warned of the
10 ensuing consequences prior to submitting to any type of
11 chemical test or tests to determine such person's blood
12 concentration of alcohol, other drug, or both;

13 4. Whether the person did refuse to submit to or failed
14 to complete the chemical testing or did submit to such test
15 or tests and such test or tests disclosed an alcohol
16 concentration of at least 0.04 or any amount of a drug,
17 substance, or compound resulting from the unlawful use or
18 consumption of cannabis listed in the Cannabis Control Act
19 or a controlled substance listed in the Illinois Controlled
20 Substances Act or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act in
22 the person's system;

23 5. Whether the person was warned that if the test or
24 tests disclosed an alcohol concentration of 0.08 or more or
25 any amount of a drug, substance, or compound resulting from
26 the unlawful use or consumption of cannabis listed in the

1 Cannabis Control Act or a controlled substance listed in
2 the Illinois Controlled Substances Act or methamphetamine
3 as listed in the Methamphetamine Control and Community
4 Protection Act, such results could be admissible in a
5 subsequent prosecution under Section 11-501 of this Code or
6 similar provision of local ordinances; and

7 6. Whether such results could not be used to impose any
8 driver's license sanctions pursuant to Section 11-501.1.

9 Upon the conclusion of the above CDL hearing, the CDL
10 disqualification imposed shall either be sustained or
11 rescinded.

12 (d) The scope of a CDL hearing for any out-of-service
13 sanction, imposed pursuant to Section 6-515, shall be limited
14 to the following issues:

15 1. Whether the person was driving a commercial motor
16 vehicle;

17 2. Whether, while driving such commercial motor
18 vehicle, the person had alcohol or any amount of a drug,
19 substance, or compound resulting from the unlawful use or
20 consumption of cannabis listed in the Cannabis Control Act
21 or a controlled substance listed in the Illinois Controlled
22 Substances Act or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act in
24 such person's system;

25 3. Whether the person was verbally warned of the
26 ensuing consequences prior to being asked to submit to any

1 type of chemical test or tests to determine such person's
2 alcohol, other drug, or both, concentration; and

3 4. Whether, after being so warned, the person did
4 refuse to submit to or failed to complete such chemical
5 test or tests or did submit to such test or tests and such
6 test or tests disclosed an alcohol concentration greater
7 than 0.00 or any amount of a drug, substance, or compound
8 resulting from the unlawful use or consumption of cannabis
9 listed in the Cannabis Control Act or a controlled
10 substance listed in the Illinois Controlled Substances Act
11 or methamphetamine as listed in the Methamphetamine
12 Control and Community Protection Act.

13 Upon the conclusion of the above CDL hearing, the
14 out-of-service sanction shall either be sustained or removed
15 from the person's driving record.

16 (e) If any person petitions for a hearing relating to any
17 CDL disqualification based upon a conviction, as defined in
18 this UCDLA, said hearing shall not be conducted as a CDL
19 hearing, but shall be conducted as any other driver's license
20 hearing, whether formal or informal, as promulgated in the
21 rules and regulations of the Secretary.

22 (f) Any evidence of alcohol or other drug consumption, for
23 the purposes of this UCDLA, shall be sufficient probable cause
24 for requesting the driver to submit to a chemical test or tests
25 to determine the presence of alcohol, other drug, or both in
26 the person's system and the subsequent issuance of an

1 out-of-service order or a Sworn Report by a police officer.

2 (g) For the purposes of this UCCLA, a CDL "hearing" shall
3 mean a hearing before the Office of the Secretary of State in
4 accordance with Section 2-118 of this Code, for the purpose of
5 resolving differences or disputes specifically related to the
6 scope of the issues identified in this Section relating to the
7 operation of a commercial motor vehicle. These proceedings will
8 be a matter of record and a final appealable order issued. The
9 petition for a CDL hearing shall not stay or delay the
10 effective date of the impending disqualification.

11 (h) The CDL hearing may be conducted upon a review of the
12 police officer's own official reports; provided however, that
13 the petitioner may subpoena the officer. Failure of the officer
14 to answer the subpoena shall be grounds for a continuance.

15 (i) Any CDL disqualification based upon a statutory summary
16 suspension or revocation resulting from an arrest of a CDL
17 holder while operating a non-commercial motor vehicle, may only
18 be contested by filing a petition to contest the statutory
19 summary suspension or revocation in the appropriate circuit
20 court as provided for in Section 2-118.1 of this Code.

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

22 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

23 Sec. 11-401. Motor vehicle accidents involving death or
24 personal injuries.

25 (a) The driver of any vehicle involved in a motor vehicle

1 accident resulting in personal injury to or death of any person
2 shall immediately stop such vehicle at the scene of such
3 accident, or as close thereto as possible and shall then
4 forthwith return to, and in every event shall remain at the
5 scene of the accident until the requirements of Section 11-403
6 have been fulfilled. Every such stop shall be made without
7 obstructing traffic more than is necessary.

8 (b) Any person who has failed to stop or to comply with the
9 requirements of paragraph (a) shall, as soon as possible but in
10 no case later than one-half hour after such motor vehicle
11 accident, or, if hospitalized and incapacitated from reporting
12 at any time during such period, as soon as possible but in no
13 case later than one-half hour after being discharged from the
14 hospital, report the place of the accident, the date, the
15 approximate time, the driver's name and address, the
16 registration number of the vehicle driven, and the names of all
17 other occupants of such vehicle, at a police station or
18 sheriff's office near the place where such accident occurred.
19 No report made as required under this paragraph shall be used,
20 directly or indirectly, as a basis for the prosecution of any
21 violation of paragraph (a).

22 (b-1) Any person arrested for violating this Section is
23 subject to chemical testing of his or her blood, breath, or
24 urine for the presence of alcohol, other drug or drugs,
25 intoxicating compound or compounds, or any combination
26 thereof, as provided in Section 11-501.1, if the testing occurs

1 within 12 hours of the time of the occurrence of the accident
2 that led to his or her arrest. The person's driving privileges
3 are subject to statutory summary revocation ~~suspension~~ under
4 Section 11-501.1 if he or she fails or refuses to undergo the
5 testing.

6 For purposes of this Section, personal injury shall mean
7 any injury requiring immediate professional treatment in a
8 medical facility or doctor's office.

9 (c) Any person failing to comply with paragraph (a) shall
10 be guilty of a Class 4 felony.

11 (d) Any person failing to comply with paragraph (b) is
12 guilty of a Class 2 felony if the motor vehicle accident does
13 not result in the death of any person. Any person failing to
14 comply with paragraph (b) when the accident results in the
15 death of any person is guilty of a Class 1 felony.

16 (e) The Secretary of State shall revoke the driving
17 privilege of any person convicted of a violation of this
18 Section.

19 (Source: P.A. 94-115, eff. 1-1-06; 95-347, eff. 1-1-08.)

20 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

21 Sec. 11-500. Definitions. For the purposes of interpreting
22 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
23 shall mean any person who has not had a previous conviction or
24 court assigned supervision for violating Section 11-501, or a
25 similar provision of a local ordinance, or a conviction in any

1 other state for a violation of driving while under the
2 influence or a similar offense where the cause of action is the
3 same or substantially similar to this Code or similar offenses
4 committed on a military installation, or any person who has not
5 had a driver's license suspension pursuant to paragraph 6 of
6 subsection (a) of Section 6-206 as the result of refusal of
7 chemical testing in another state, or any person who has not
8 had a driver's license suspension or revocation for violating
9 Section 11-501.1 within 5 years prior to the date of the
10 current offense, except in cases where the driver submitted to
11 chemical testing resulting in an alcohol concentration of 0.08
12 or more, or any amount of a drug, substance, or compound in
13 such person's blood or urine resulting from the unlawful use or
14 consumption of cannabis listed in the Cannabis Control Act, a
15 controlled substance listed in the Illinois Controlled
16 Substances Act, or an intoxicating compound listed in the Use
17 of Intoxicating Compounds Act, or methamphetamine as listed in
18 the Methamphetamine Control and Community Protection Act and
19 was subsequently found not guilty of violating Section 11-501,
20 or a similar provision of a local ordinance.

21 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09.)

22 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

23 Sec. 11-501.1. Suspension of drivers license; statutory
24 summary alcohol, other drug or drugs, or intoxicating compound
25 or compounds related suspension or revocation; implied

1 consent.

2 (a) Any person who drives or is in actual physical control
3 of a motor vehicle upon the public highways of this State shall
4 be deemed to have given consent, subject to the provisions of
5 Section 11-501.2, to a chemical test or tests of blood, breath,
6 or urine for the purpose of determining the content of alcohol,
7 other drug or drugs, or intoxicating compound or compounds or
8 any combination thereof in the person's blood if arrested, as
9 evidenced by the issuance of a Uniform Traffic Ticket, for any
10 offense as defined in Section 11-501 or a similar provision of
11 a local ordinance, or if arrested for violating Section 11-401.
12 The test or tests shall be administered at the direction of the
13 arresting officer. The law enforcement agency employing the
14 officer shall designate which of the aforesaid tests shall be
15 administered. A urine test may be administered even after a
16 blood or breath test or both has been administered. For
17 purposes of this Section, an Illinois law enforcement officer
18 of this State who is investigating the person for any offense
19 defined in Section 11-501 may travel into an adjoining state,
20 where the person has been transported for medical care, to
21 complete an investigation and to request that the person submit
22 to the test or tests set forth in this Section. The
23 requirements of this Section that the person be arrested are
24 inapplicable, but the officer shall issue the person a Uniform
25 Traffic Ticket for an offense as defined in Section 11-501 or a
26 similar provision of a local ordinance prior to requesting that

1 the person submit to the test or tests. The issuance of the
2 Uniform Traffic Ticket shall not constitute an arrest, but
3 shall be for the purpose of notifying the person that he or she
4 is subject to the provisions of this Section and of the
5 officer's belief of the existence of probable cause to arrest.
6 Upon returning to this State, the officer shall file the
7 Uniform Traffic Ticket with the Circuit Clerk of the county
8 where the offense was committed, and shall seek the issuance of
9 an arrest warrant or a summons for the person.

10 (b) Any person who is dead, unconscious, or who is
11 otherwise in a condition rendering the person incapable of
12 refusal, shall be deemed not to have withdrawn the consent
13 provided by paragraph (a) of this Section and the test or tests
14 may be administered, subject to the provisions of Section
15 11-501.2.

16 (c) A person requested to submit to a test as provided
17 above shall be warned by the law enforcement officer requesting
18 the test that a refusal to submit to the test will result in
19 the statutory summary suspension of the person's privilege to
20 operate a motor vehicle, as provided in Section 6-208.1 of this
21 Code, and will also result in the disqualification of the
22 person's privilege to operate a commercial motor vehicle, as
23 provided in Section 6-514 of this Code, if the person is a CDL
24 holder. The person shall also be warned that a refusal to
25 submit to the test, when the person was involved in a motor
26 vehicle accident that caused personal injury or death to

1 another, will result in the statutory summary revocation of the
2 person's privilege to operate a motor vehicle, as provided in
3 Section 6-208.1, and will also result in the disqualification
4 of the person's privilege to operate a commercial motor
5 vehicle, as provided in Section 6-514 of this Code, if the
6 person is a CDL holder. The person shall also be warned by the
7 law enforcement officer that if the person submits to the test
8 or tests provided in paragraph (a) of this Section and the
9 alcohol concentration in the person's blood or breath is 0.08
10 or greater, or any amount of a drug, substance, or compound
11 resulting from the unlawful use or consumption of cannabis as
12 covered by the Cannabis Control Act, a controlled substance
13 listed in the Illinois Controlled Substances Act, an
14 intoxicating compound listed in the Use of Intoxicating
15 Compounds Act, or methamphetamine as listed in the
16 Methamphetamine Control and Community Protection Act is
17 detected in the person's blood or urine, a statutory summary
18 suspension of the person's privilege to operate a motor
19 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
20 Code, and a disqualification of the person's privilege to
21 operate a commercial motor vehicle, as provided in Section
22 6-514 of this Code, if the person is a CDL holder, will be
23 imposed.

24 A person who is under the age of 21 at the time the person
25 is requested to submit to a test as provided above shall, in
26 addition to the warnings provided for in this Section, be

1 further warned by the law enforcement officer requesting the
2 test that if the person submits to the test or tests provided
3 in paragraph (a) of this Section and the alcohol concentration
4 in the person's blood or breath is greater than 0.00 and less
5 than 0.08, a suspension of the person's privilege to operate a
6 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
7 of this Code, will be imposed. The results of this test shall
8 be admissible in a civil or criminal action or proceeding
9 arising from an arrest for an offense as defined in Section
10 11-501 of this Code or a similar provision of a local ordinance
11 or pursuant to Section 11-501.4 in prosecutions for reckless
12 homicide brought under the Criminal Code of 1961. These test
13 results, however, shall be admissible only in actions or
14 proceedings directly related to the incident upon which the
15 test request was made.

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

1 certifying that the test or tests was or were requested under
2 paragraph (a) and the person refused to submit to a test, or
3 tests, or submitted to testing that disclosed an alcohol
4 concentration of 0.08 or more.

5 (e) Upon receipt of the sworn report of a law enforcement
6 officer submitted under paragraph (d), the Secretary of State
7 shall enter the statutory summary suspension or revocation and
8 disqualification for the periods specified in Sections 6-208.1
9 and 6-514, respectively, and effective as provided in paragraph
10 (g).

11 If the person is a first offender as defined in Section
12 11-500 of this Code, and is not convicted of a violation of
13 Section 11-501 of this Code or a similar provision of a local
14 ordinance, then reports received by the Secretary of State
15 under this Section shall, except during the actual time the
16 Statutory Summary Suspension is in effect, be privileged
17 information and for use only by the courts, police officers,
18 prosecuting authorities or the Secretary of State. However,
19 beginning January 1, 2008, if the person is a CDL holder, the
20 statutory summary suspension shall also be made available to
21 the driver licensing administrator of any other state, the U.S.
22 Department of Transportation, and the affected driver or motor
23 carrier or prospective motor carrier upon request. Reports
24 received by the Secretary of State under this Section shall
25 also be made available to the parent or guardian of a person
26 under the age of 18 years that holds an instruction permit or a

1 graduated driver's license, regardless of whether the
2 statutory summary suspension is in effect. A statutory summary
3 revocation shall not be privileged information.

4 (f) The law enforcement officer submitting the sworn report
5 under paragraph (d) shall serve immediate notice of the
6 statutory summary suspension or revocation on the person and
7 the suspension or revocation and disqualification shall be
8 effective as provided in paragraph (g). In cases where the
9 blood alcohol concentration of 0.08 or greater or any amount of
10 a drug, substance, or compound resulting from the unlawful use
11 or consumption of cannabis as covered by the Cannabis Control
12 Act, 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 is
16 established by a subsequent analysis of blood or urine
17 collected at the time of arrest, the arresting officer or
18 arresting agency shall give notice as provided in this Section
19 or by deposit in the United States mail of the notice in an
20 envelope with postage prepaid and addressed to the person at
21 his address as shown on the Uniform Traffic Ticket and the
22 statutory summary suspension and disqualification shall begin
23 as provided in paragraph (g). The officer shall confiscate any
24 Illinois driver's license or permit on the person at the time
25 of arrest. If the person has a valid driver's license or
26 permit, the officer shall issue the person a receipt, in a form

1 prescribed by the Secretary of State, that will allow that
2 person to drive during the periods provided for in paragraph
3 (g). The officer shall immediately forward the driver's license
4 or permit to the circuit court of venue along with the sworn
5 report provided for in paragraph (d).

6 (g) The statutory summary suspension or revocation and
7 disqualification referred to in this Section shall take effect
8 on the 46th day following the date the notice of the statutory
9 summary suspension or revocation was given to the person.

10 (h) The following procedure shall apply whenever a person
11 is arrested for any offense as defined in Section 11-501 or a
12 similar provision of a local ordinance:

13 Upon receipt of the sworn report from the law enforcement
14 officer, the Secretary of State shall confirm the statutory
15 summary suspension or revocation by mailing a notice of the
16 effective date of the suspension or revocation to the person
17 and the court of venue. The Secretary of State shall also mail
18 notice of the effective date of the disqualification to the
19 person. However, should the sworn report be defective by not
20 containing sufficient information or be completed in error, the
21 confirmation of the statutory summary suspension or revocation
22 shall not be mailed to the person or entered to the record;
23 instead, the sworn report shall be forwarded to the court of
24 venue with a copy returned to the issuing agency identifying
25 any defect.

26 (i) As used in this Section, "personal injury" includes any

1 Type A injury as indicated on the traffic accident report
2 completed by a law enforcement officer that requires immediate
3 professional attention in either a doctor's office or a medical
4 facility. A Type A injury includes severely bleeding wounds,
5 distorted extremities, and injuries that require the injured
6 party to be carried from the scene.

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

9 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

10 Sec. 11-501.6. Driver involvement in personal injury or
11 fatal motor vehicle accident not involving an arrest for a
12 violation of Section 11-501; driving under the influence of
13 alcohol, other drug or drugs, intoxicating compounds, or any
14 combination thereof; chemical ~~accident~~ ~~chemical~~ test.

15 (a) Any person who drives or is in actual control of a
16 motor vehicle upon the public highways of this State and who
17 has been involved in a personal injury or fatal motor vehicle
18 accident, shall be deemed to have given consent to a breath
19 test using a portable device as approved by the Department of
20 State Police or to a chemical test or tests of blood, breath,
21 or urine for the purpose of determining the content of alcohol,
22 other drug or drugs, or intoxicating compound or compounds of
23 such person's blood if arrested as evidenced by the issuance of
24 a Uniform Traffic Ticket for any violation of the Illinois
25 Vehicle Code or a similar provision of a local ordinance, with

1 the exception of equipment violations contained in Chapter 12
2 of this Code, or similar provisions of local ordinances. This
3 Section shall not apply to those persons arrested for a
4 violation of Section 11-501 or a similar violation of a local
5 ordinance, in which case the provisions of Section 11-501.1
6 shall apply. The test or tests shall be administered at the
7 direction of the arresting officer. The law enforcement agency
8 employing the officer shall designate which of the aforesaid
9 tests shall be administered. A urine test may be administered
10 even after a blood or breath test or both has been
11 administered. Compliance with this Section does not relieve
12 such person from the requirements of Section 11-501.1 of this
13 Code.

14 (b) Any person who is dead, unconscious or who is otherwise
15 in a condition rendering such person incapable of refusal shall
16 be deemed not to have withdrawn the consent provided by
17 subsection (a) of this Section. In addition, if a driver of a
18 vehicle is receiving medical treatment as a result of a motor
19 vehicle accident, any physician licensed to practice medicine,
20 registered nurse or a phlebotomist acting under the direction
21 of a licensed physician shall withdraw blood for testing
22 purposes to ascertain the presence of alcohol, other drug or
23 drugs, or intoxicating compound or compounds, upon the specific
24 request of a law enforcement officer. However, no such testing
25 shall be performed until, in the opinion of the medical
26 personnel on scene, the withdrawal can be made without

1 interfering with or endangering the well-being of the patient.

2 (c) A person requested to submit to a test as provided
3 above shall be warned by the law enforcement officer requesting
4 the test that a refusal to submit to the test, or submission to
5 the test resulting in an alcohol concentration of 0.08 or more,
6 or any amount of a drug, substance, or intoxicating compound
7 resulting from the unlawful use or consumption of cannabis, as
8 covered by the Cannabis Control Act, a controlled substance
9 listed in the Illinois Controlled Substances Act, an
10 intoxicating compound listed in the Use of Intoxicating
11 Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act as
13 detected in such person's blood or urine, may result in the
14 suspension of such person's privilege to operate a motor
15 vehicle and may result in the disqualification of the person's
16 privilege to operate a commercial motor vehicle, as provided in
17 Section 6-514 of this Code, if the person is a CDL holder. The
18 length of the suspension shall be the same as outlined in
19 Section 6-208.1 of this Code regarding statutory summary
20 suspensions.

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

17 Upon receipt of the sworn report of a law enforcement
18 officer, the Secretary shall enter the suspension and
19 disqualification to the individual's driving record and the
20 suspension and disqualification shall be effective on the 46th
21 day following the date notice of the suspension was given to
22 the person.

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

1 In cases where the blood alcohol concentration of 0.08 or
2 more, or any amount of a drug, substance, or intoxicating
3 compound resulting from the unlawful use or consumption of
4 cannabis as listed in the Cannabis Control Act, a controlled
5 substance listed in the Illinois Controlled Substances Act, an
6 intoxicating compound listed in the Use of Intoxicating
7 Compounds Act, or methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act, is
9 established by a subsequent analysis of blood or urine
10 collected at the time of arrest, the arresting officer shall
11 give notice as provided in this Section or by deposit in the
12 United States mail of such notice in an envelope with postage
13 prepaid and addressed to such person at his address as shown on
14 the Uniform Traffic Ticket and the suspension and
15 disqualification shall be effective on the 46th day following
16 the date notice was given.

17 Upon receipt of the sworn report of a law enforcement
18 officer, the Secretary shall also give notice of the suspension
19 and disqualification to the driver by mailing a notice of the
20 effective date of the suspension and disqualification to the
21 individual. However, should the sworn report be defective by
22 not containing sufficient information or be completed in error,
23 the notice of the suspension and disqualification shall not be
24 mailed to the person or entered to the driving record, but
25 rather the sworn report shall be returned to the issuing law
26 enforcement agency.

1 (e) A driver may contest this suspension of his or her
2 driving privileges and disqualification of his or her CDL
3 privileges by requesting an administrative hearing with the
4 Secretary in accordance with Section 2-118 of this Code. At the
5 conclusion of a hearing held under Section 2-118 of this Code,
6 the Secretary may rescind, continue, or modify the orders of
7 suspension and disqualification. If the Secretary does not
8 rescind the orders of suspension and disqualification, a
9 restricted driving permit may be granted by the Secretary upon
10 application being made and good cause shown. A restricted
11 driving permit may be granted to relieve undue hardship to
12 allow driving for employment, educational, and medical
13 purposes as outlined in Section 6-206 of this Code. The
14 provisions of Section 6-206 of this Code shall apply. In
15 accordance with 49 C.F.R. 384, the Secretary of State may not
16 issue a restricted driving permit for the operation of a
17 commercial motor vehicle to a person holding a CDL whose
18 driving privileges have been suspended, revoked, cancelled, or
19 disqualified.

20 (f) (Blank).

21 (g) For the purposes of this Section, a personal injury
22 shall include any type A injury as indicated on the traffic
23 accident report completed by a law enforcement officer that
24 requires immediate professional attention in either a doctor's
25 office or a medical facility. A type A injury shall include
26 severely bleeding wounds, distorted extremities, and injuries

1 that require the injured party to be carried from the scene.

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

3 (625 ILCS 5/11-501.8)

4 Sec. 11-501.8. Suspension of driver's license; persons
5 under age 21.

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

23 (b) A person who is dead, unconscious, or who is otherwise
24 in a condition rendering that person incapable of refusal,
25 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 (c) A person requested to submit to a test as provided

1 above shall be warned by the law enforcement officer requesting
2 the test that a refusal to submit to the test, or submission to
3 the test resulting in an alcohol concentration of more than
4 0.00, may result in the loss of that person's privilege to
5 operate a motor vehicle and may result in the disqualification
6 of the person's privilege to operate a commercial motor
7 vehicle, as provided in Section 6-514 of this Code, if the
8 person is a CDL holder. The loss of driving privileges shall be
9 imposed in accordance with Section 6-208.2 of this Code.

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

22 Upon receipt of the sworn report of a law enforcement
23 officer, the Secretary of State shall enter the suspension and
24 disqualification on the individual's driving record and the
25 suspension and disqualification shall be effective on the 46th
26 day following the date notice of the suspension was given to

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

17 The law enforcement officer submitting the sworn report
18 shall serve immediate notice of this suspension on the person
19 and the suspension and disqualification shall be effective on
20 the 46th day following the date notice was given.

21 In cases where the blood alcohol concentration of more than
22 0.00 is established by a subsequent analysis of blood or urine,
23 the police officer or arresting agency shall give notice as
24 provided in this Section or by deposit in the United States
25 mail of that notice in an envelope with postage prepaid and
26 addressed to that person at his last known address and the loss

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

3 Upon receipt of the sworn report of a law enforcement
4 officer, the Secretary of State shall also give notice of the
5 suspension and disqualification to the driver by mailing a
6 notice of the effective date of the suspension and
7 disqualification to the individual. However, should the sworn
8 report be defective by not containing sufficient information or
9 be completed in error, the notice of the suspension and
10 disqualification shall not be mailed to the person or entered
11 to the driving record, but rather the sworn report shall be
12 returned to the issuing law enforcement agency.

13 (e) A driver may contest this suspension and
14 disqualification by requesting an administrative hearing with
15 the Secretary of State in accordance with Section 2-118 of this
16 Code. An individual whose blood alcohol concentration is shown
17 to be more than 0.00 is not subject to this Section if he or she
18 consumed alcohol in the performance of a religious service or
19 ceremony. An individual whose blood alcohol concentration is
20 shown to be more than 0.00 shall not be subject to this Section
21 if the individual's blood alcohol concentration resulted only
22 from ingestion of the prescribed or recommended dosage of
23 medicine that contained alcohol. The petition for that hearing
24 shall not stay or delay the effective date of the impending
25 suspension. The scope of this hearing shall be limited to the
26 issues of:

1 (1) whether the police officer had probable cause to
2 believe that the person was driving or in actual physical
3 control of a motor vehicle upon the public highways of the
4 State and the police officer had reason to believe that the
5 person was in violation of any provision of the Illinois
6 Vehicle Code or a similar provision of a local ordinance;
7 and

8 (2) whether the person was issued a Uniform Traffic
9 Ticket for any violation of the Illinois Vehicle Code or a
10 similar provision of a local ordinance; and

11 (3) whether the police officer had probable cause to
12 believe that the driver had consumed any amount of an
13 alcoholic beverage based upon the driver's physical
14 actions or other first-hand knowledge of the police
15 officer; and

16 (4) whether the person, after being advised by the
17 officer that the privilege to operate a motor vehicle would
18 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 concentration; and

22 (5) whether the person, after being advised by the
23 officer that the privileges to operate a motor vehicle
24 would be suspended if the person submits to a chemical test
25 or tests and the test or tests disclose an alcohol
26 concentration of more than 0.00, did submit to and complete

1 the test or tests that determined an alcohol concentration
2 of more than 0.00; and

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

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

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

1 Section.

2 (f) The results of any chemical testing performed in
3 accordance with subsection (a) of this Section are not
4 admissible in any civil or criminal proceeding, except that the
5 results of the testing may be considered at a hearing held
6 under Section 2-118 of this Code. However, the results of the
7 testing may not be used to impose driver's license sanctions
8 under Section 11-501.1 of this Code. A law enforcement officer
9 may, however, pursue a statutory summary suspension or
10 revocation of driving privileges under Section 11-501.1 of this
11 Code if other physical evidence or first hand knowledge forms
12 the basis of that suspension or revocation.

13 (g) This Section applies only to drivers who are under age
14 21 at the time of the issuance of a Uniform Traffic Ticket for
15 a violation of the Illinois Vehicle Code or a similar provision
16 of a local ordinance, and a chemical test request is made under
17 this Section.

18 (h) The action of the Secretary of State in suspending,
19 revoking, cancelling, or disqualifying any license or permit
20 shall be subject to judicial review in the Circuit Court of
21 Sangamon County or in the Circuit Court of Cook County, and the
22 provisions of the Administrative Review Law and its rules are
23 hereby adopted and shall apply to and govern every action for
24 the judicial review of final acts or decisions of the Secretary
25 of State under this Section.

26 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;

1 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-876, eff.
2 8-21-08.)

3 Section 10. The Code of Criminal Procedure of 1963 is
4 amended by changing Section 115-15 as follows:

5 (725 ILCS 5/115-15)

6 Sec. 115-15. Laboratory reports.

7 (a) In any criminal prosecution for a violation of the
8 Cannabis Control Act, the Illinois Controlled Substances Act,
9 or the Methamphetamine Control and Community Protection Act, a
10 laboratory report from the Department of State Police, Division
11 of Forensic Services, that is signed and sworn to by the person
12 performing an analysis and that states (1) that the substance
13 that is the basis of the alleged violation has been weighed and
14 analyzed, and (2) the person's findings as to the contents,
15 weight and identity of the substance, and (3) that it contains
16 any amount of a controlled substance or cannabis is prima facie
17 evidence of the contents, identity and weight of the substance.
18 Attached to the report shall be a copy of a notarized statement
19 by the signer of the report giving the name of the signer and
20 stating (i) that he or she is an employee of the Department of
21 State Police, Division of Forensic Services, (ii) the name and
22 location of the laboratory where the analysis was performed,
23 (iii) that performing the analysis is a part of his or her
24 regular duties, and (iv) that the signer is qualified by

1 education, training and experience to perform the analysis. The
2 signer shall also allege that scientifically accepted tests
3 were performed with due caution and that the evidence was
4 handled in accordance with established and accepted procedures
5 while in the custody of the laboratory.

6 (a-5) In any criminal prosecution for reckless homicide
7 under Section 9-3 of the Criminal Code of 1961 or driving under
8 the influence of alcohol, other drug, or combination of both,
9 in violation of Section 11-501 of the Illinois Vehicle Code or
10 in any civil action held under a statutory summary suspension
11 or revocation hearing under Section 2-118.1 of the Illinois
12 Vehicle Code, a laboratory report from the Department of State
13 Police, Division of Forensic Services, that is signed and sworn
14 to by the person performing an analysis, and that states that
15 the sample of blood or urine was tested for alcohol or drugs,
16 and contains the person's findings as to the presence and
17 amount of alcohol or drugs and type of drug is prima facie
18 evidence of the presence, content, and amount of the alcohol or
19 drugs analyzed in the blood or urine. Attached to the report
20 must be a copy of a notarized statement by the signer of the
21 report giving the name of the signer and stating (1) that he or
22 she is an employee of the Department of State Police, Division
23 of Forensic Services, (2) the name and location of the
24 laboratory where the analysis was performed, (3) that
25 performing the analysis is a part of his or her regular duties,
26 (4) that the signer is qualified by education, training, and

1 experience to perform the analysis, and (5) that scientifically
2 accepted tests were performed with due caution and that the
3 evidence was handled in accordance with established and
4 accepted procedures while in the custody of the laboratory.

5 (b) The State's Attorney shall serve a copy of the report
6 on the attorney of record for the accused, or on the accused if
7 he or she has no attorney, before any proceeding in which the
8 report is to be used against the accused other than at a
9 preliminary hearing or grand jury hearing when the report may
10 be used without having been previously served upon the accused.

11 (c) The report shall not be prima facie evidence if the
12 accused or his or her attorney demands the testimony of the
13 person signing the report by serving the demand upon the
14 State's Attorney within 7 days from the accused or his or her
15 attorney's receipt of the report.

16 (Source: P.A. 94-556, eff. 9-11-05.)

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