



Sen. M. Maggie Crotty

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09600SB3732sam004

LRB096 20624 AJT 39138 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
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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>\$500</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 reinstatement of a license summarily revoked
21 pursuant to Section 11-501.1 shall be deposited into the
22 Drunk and Drugged Driving Prevention Fund.

23 3. \$6 of such original or renewal fee for a commercial
24 driver's license and \$6 of the commercial driver
25 instruction permit fee when such permit is issued to any
26 person holding a valid Illinois driver's license, shall be

1 paid into the CDLIS/AAMVAnet Trust Fund.

2 4. \$30 of the \$70 fee for reinstatement of a license
3 suspended under the Family Financial Responsibility Law
4 shall be paid into the Family Responsibility Fund.

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

8 6. \$20 of any original or renewal fee for a commercial
9 driver's license or commercial driver instruction permit
10 shall be paid into the Motor Carrier Safety Inspection
11 Fund.

12 7. The following amounts shall be paid into the General
13 Revenue Fund:

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

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

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

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

25 (e) The additional fees imposed by this amendatory Act of
26 the 96th General Assembly shall become effective 90 days after

1 becoming law.

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

4 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

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

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

11 1. Reckless homicide resulting from the operation of a
12 motor vehicle;

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

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

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

25 5. Perjury or the making of a false affidavit or

1 statement under oath to the Secretary of State under this
2 Code or under any other law relating to the ownership or
3 operation of motor vehicles;

4 6. Conviction upon 3 charges of violation of Section
5 11-503 of this Code relating to the offense of reckless
6 driving committed within a period of 12 months;

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

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

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

12 10. Violation of Section 12-5 of the Criminal Code of
13 1961 arising from the use of a motor vehicle;

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

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

21 13. Violation of paragraph (a) of Section 11-502 of
22 this Code or a similar provision of a local ordinance if
23 the driver has been previously convicted of a violation of
24 that Section or a similar provision of a local ordinance
25 and the driver was less than 21 years of age at the time of
26 the offense;

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

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

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

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

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

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

1 issue the person a judicial driving permit, also known as a
2 JDP. The JDP shall be subject to the same terms as a JDP
3 issued under Section 6-206.1, except that the court may
4 direct that a JDP issued under this subdivision (b) (3) be
5 effective immediately.

6 (c) (1) Except as provided in subsection (c-5), whenever a
7 person is convicted of any of the offenses enumerated in this
8 Section, the court may recommend and the Secretary of State in
9 his discretion, without regard to whether the recommendation is
10 made by the court may, upon application, issue to the person a
11 restricted driving permit granting the privilege of driving a
12 motor vehicle between the petitioner's residence and
13 petitioner's place of employment or within the scope of the
14 petitioner's employment related duties, or to allow the
15 petitioner to transport himself or herself or a family member
16 of the petitioner's household to a medical facility for the
17 receipt of necessary medical care or to allow the petitioner to
18 transport himself or herself to and from alcohol or drug
19 remedial or rehabilitative activity recommended by a licensed
20 service provider, or to allow the petitioner to transport
21 himself or herself or a family member of the petitioner's
22 household to classes, as a student, at an accredited
23 educational institution, or to allow the petitioner to
24 transport children living in the petitioner's household to and
25 from daycare; if the petitioner is able to demonstrate that no
26 alternative means of transportation is reasonably available

1 and that the petitioner will not endanger the public safety or
2 welfare; provided that the Secretary's discretion shall be
3 limited to cases where undue hardship, as defined by the rules
4 of the Secretary of State, would result from a failure to issue
5 the restricted driving permit. Those multiple offenders
6 identified in subdivision (b)4 of Section 6-208 of this Code,
7 however, shall not be eligible for the issuance of a restricted
8 driving permit.

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

20 (3) If:

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

24 (i) a single conviction of violating Section
25 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense,

1 or Section 9-3 of the Criminal Code of 1961, where
2 the use of alcohol or other drugs is recited as an
3 element of the offense, or a similar out-of-state
4 offense; or

5 (ii) a statutory summary suspension or
6 revocation under Section 11-501.1; or

7 (iii) a suspension pursuant to Section
8 6-203.1;

9 arising out of separate occurrences; or

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

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

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

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

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

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

14 (c-5) (Blank).

15 (c-6) If a person is convicted of a second violation of
16 operating a motor vehicle while the person's driver's license,
17 permit or privilege was revoked, where the revocation was for a
18 violation of Section 9-3 of the Criminal Code of 1961 relating
19 to the offense of reckless homicide or a similar out-of-state
20 offense, the person's driving privileges shall be revoked
21 pursuant to subdivision (a)(15) of this Section. The person may
22 not make application for a license or permit until the
23 expiration of five years from the effective date of the
24 revocation or the expiration of five years from the date of
25 release from a term of imprisonment, whichever is later.

26 (c-7) If a person is convicted of a third or subsequent

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

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

25 (2) If a person's license or permit is revoked or
26 suspended due to 2 or more convictions of violating Section

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

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

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

19 (B) a statutory summary suspension or revocation
20 under Section 11-501.1; or

21 (C) a suspension pursuant to Section 6-203.1;
22 arising out of separate occurrences, that person, if issued
23 a restricted driving permit, may not operate a vehicle
24 unless it has been equipped with an ignition interlock
25 device as defined in Section 1-129.1.

26 (4) The person issued a permit conditioned upon the use

1 of an interlock device must pay to the Secretary of State
2 DUI Administration Fund an amount not to exceed \$30 per
3 month. The Secretary shall establish by rule the amount and
4 the procedures, terms, and conditions relating to these
5 fees.

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

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

21 (d-5) The revocation of the license, permit, or driving
22 privileges of a person convicted of a third or subsequent
23 violation of Section 6-303 of this Code committed while his or
24 her driver's license, permit, or privilege was revoked because
25 of a violation of Section 9-3 of the Criminal Code of 1961,
26 relating to the offense of reckless homicide, or a similar

1 provision of a law of another state, is permanent. The
2 Secretary may not, at any time, issue a license or permit to
3 that person.

4 (e) This Section is subject to the provisions of the Driver
5 License Compact.

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

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

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

24 (i) (Blank).

25 (j) In accordance with 49 C.F.R. 384, the Secretary of
26 State may not issue a restricted driving permit for the

1 operation of a commercial motor vehicle to a person holding a
2 CDL whose driving privileges have been revoked, suspended,
3 cancelled, or disqualified under any provisions of this Code.

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

8 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

23 3. Has been repeatedly involved as a driver in motor
24 vehicle collisions or has been repeatedly convicted of
25 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of
2 ability to exercise ordinary and reasonable care in the
3 safe operation of a motor vehicle or disrespect for the
4 traffic laws and the safety of other persons upon the
5 highway;

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

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

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

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

26 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

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

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

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

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

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

25 14. Has committed a violation of Section 6-301,
26 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B

1 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

24 22. Has used a motor vehicle in violating paragraph
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
26 the Criminal Code of 1961 relating to unlawful use of

1 weapons, in which case the suspension shall be for one
2 year;

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

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

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

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

20 27. Has violated Section 6-16 of the Liquor Control Act
21 of 1934;

22 28. Has been convicted of the illegal possession, while
23 operating or in actual physical control, as a driver, of a
24 motor vehicle, of any controlled substance prohibited
25 under the Illinois Controlled Substances Act, any cannabis
26 prohibited under the Cannabis Control Act, or any

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

19 29. Has been convicted of the following offenses that
20 were committed while the person was operating or in actual
21 physical control, as a driver, of a motor vehicle: criminal
22 sexual assault, predatory criminal sexual assault of a
23 child, aggravated criminal sexual assault, criminal sexual
24 abuse, aggravated criminal sexual abuse, juvenile pimping,
25 soliciting for a juvenile prostitute and the manufacture,
26 sale or delivery of controlled substances or instruments

1 used for illegal drug use or abuse in which case the
2 driver's driving privileges shall be suspended for one
3 year;

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

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

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

24 33. Has as a driver, who was less than 21 years of age
25 on the date of the offense, been convicted a first time of
26 a violation of paragraph (a) of Section 11-502 of this Code

1 or a similar provision of a local ordinance;

2 34. Has committed a violation of Section 11-1301.5 of
3 this Code;

4 35. Has committed a violation of Section 11-1301.6 of
5 this Code;

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

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

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

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

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

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

26 42. Has committed a violation of subsection (a-1) of

1 Section 11-1301.3 of this Code;

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

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

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

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

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

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

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

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

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

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

24 3. At the conclusion of a hearing under Section 2-118
25 of this Code, the Secretary of State shall either rescind
26 or continue an order of revocation or shall substitute an

1 order of suspension; or, good cause appearing therefor,
2 rescind, continue, change, or extend the order of
3 suspension. If the Secretary of State does not rescind the
4 order, the Secretary may upon application, to relieve undue
5 hardship (as defined by the rules of the Secretary of
6 State), issue a restricted driving permit granting the
7 privilege of driving a motor vehicle between the
8 petitioner's residence and petitioner's place of
9 employment or within the scope of the petitioner's
10 employment related duties, or to allow the petitioner to
11 transport himself or herself, or a family member of the
12 petitioner's household to a medical facility, to receive
13 necessary medical care, to allow the petitioner to
14 transport himself or herself to and from alcohol or drug
15 remedial or rehabilitative activity recommended by a
16 licensed service provider, or to allow the petitioner to
17 transport himself or herself or a family member of the
18 petitioner's household to classes, as a student, at an
19 accredited educational institution, or to allow the
20 petitioner to transport children living in the
21 petitioner's household to and from daycare. The petitioner
22 must demonstrate that no alternative means of
23 transportation is reasonably available and that the
24 petitioner will not endanger the public safety or welfare.
25 Those multiple offenders identified in subdivision (b)4 of
26 Section 6-208 of this Code, however, shall not be eligible

1 for the issuance of a restricted driving permit.

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

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

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

24 (ii) a statutory summary suspension or
25 revocation under Section 11-501.1; or

26 (iii) a suspension under Section 6-203.1;

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

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

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

18 (E) In each case the Secretary may issue a
19 restricted driving permit for a period deemed
20 appropriate, except that all permits shall expire
21 within one year from the date of issuance. The
22 Secretary may not, however, issue a restricted driving
23 permit to any person whose current revocation is the
24 result of a second or subsequent conviction for a
25 violation of Section 11-501 of this Code or a similar
26 provision of a local ordinance or any similar

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

23 (c-3) In the case of a suspension under paragraph 43 of
24 subsection (a), reports received by the Secretary of State
25 under this Section shall, except during the actual time the
26 suspension is in effect, be privileged information and for use

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

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

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

22 (d) This Section is subject to the provisions of the
23 Drivers License Compact.

24 (e) The Secretary of State shall not issue a restricted
25 driving permit to a person under the age of 16 years whose
26 driving privileges have been suspended or revoked under any

1 provisions of this Code.

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

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

11 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

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

20 1. Twelve months from the effective date of the
21 statutory summary suspension for a refusal or failure to
22 complete a test or tests to determine the alcohol, drug, or
23 intoxicating compound concentration, pursuant to Section
24 11-501.1, if the person was not involved in a motor vehicle
25 crash that caused personal injury or death to another; or

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

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

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

1 compound listed in the Use of Intoxicating Compounds Act,
2 or methamphetamine as listed in the Methamphetamine
3 Control and Community Protection Act.

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

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

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

22 (d) Where a driving privilege has been summarily suspended
23 or revoked under Section 11-501.1 and the person is
24 subsequently convicted of violating Section 11-501, or a
25 similar provision of a local ordinance, for the same incident,
26 any period served on statutory summary suspension or revocation

1 shall be credited toward the minimum period of revocation of
2 driving privileges imposed pursuant to Section 6-205.

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

15 (f) (Blank).

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

20 (h) (Blank).

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

23 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

24 Sec. 6-303. Driving while driver's license, permit or
25 privilege to operate a motor vehicle is suspended or revoked.

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

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

24 (b) (Blank).

25 (b-1) Upon receiving a report of the conviction of any
26 violation indicating a person was operating a motor vehicle

1 during the time when the person's driver's license, permit or
2 privilege was suspended by the Secretary of State or the
3 driver's licensing administrator of another state, except as
4 specifically allowed by a probationary license, judicial
5 driving permit, restricted driving permit or monitoring device
6 driving permit the Secretary shall extend the suspension for
7 the same period of time as the originally imposed suspension
8 unless the suspension has already expired, in which case the
9 Secretary shall be authorized to suspend the person's driving
10 privileges for the same period of time as the originally
11 imposed suspension.

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

23 (b-3) (Blank).

24 (b-4) When the Secretary of State receives a report of a
25 conviction of any violation indicating a person was operating a
26 motor vehicle that was not equipped with an ignition interlock

1 device during a time when the person was prohibited from
2 operating a motor vehicle not equipped with such a device, the
3 Secretary shall not issue a driver's license to that person for
4 an additional period of one year from the date of the
5 conviction.

6 (b-5) Any person convicted of violating this Section shall
7 serve a minimum term of imprisonment of 30 consecutive days or
8 300 hours of community service when the person's driving
9 privilege was revoked or suspended as a result of a violation
10 of Section 9-3 of the Criminal Code of 1961, as amended,
11 relating to the offense of reckless homicide, or a similar
12 provision of a law of another state.

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

21 (c) Except as provided in subsections (c-3) and (c-4), any
22 person convicted of violating this Section shall serve a
23 minimum term of imprisonment of 10 consecutive days or 30 days
24 of community service when the person's driving privilege was
25 revoked or suspended as a result of:

26 (1) a violation of Section 11-501 of this Code or a

1 similar provision of a local ordinance relating to the
2 offense of operating or being in physical control of a
3 vehicle while under the influence of alcohol, any other
4 drug or any combination thereof; or

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

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

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

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

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

20 (1) Seizure of the license plates of the person's
21 vehicle.

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

24 (c-3) Any person convicted of a violation of this Section
25 during a period of summary suspension imposed pursuant to
26 Section 11-501.1 when the person was eligible for a MDDP shall

1 be guilty of a Class 4 felony and shall serve a minimum term of
2 imprisonment of 30 days.

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

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

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

24 (d-1) Except as provided in subsections (d-2), (d-2.5), and
25 (d-3), any person convicted of a third or subsequent violation
26 of this Section shall serve a minimum term of imprisonment of

1 30 days or 300 hours of community service, as determined by the
2 court.

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

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

18 (d-3) Any person convicted of a fourth, fifth, sixth,
19 seventh, eighth, or ninth violation of this Section is guilty
20 of a Class 4 felony and must serve a minimum term of
21 imprisonment of 180 days if the revocation or suspension was
22 for a violation of Section 11-401 or 11-501 of this Code, or a
23 similar out-of-state offense, or a similar provision of a local
24 ordinance, or a statutory summary suspension or revocation
25 under Section 11-501.1 of this Code.

26 (d-3.5) Any person convicted of a fourth or subsequent

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

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

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

23 (e) Any person in violation of this Section who is also in
24 violation of Section 7-601 of this Code relating to mandatory
25 insurance requirements, in addition to other penalties imposed
26 under this Section, shall have his or her motor vehicle

1 immediately impounded by the arresting law enforcement
2 officer. The motor vehicle may be released to any licensed
3 driver upon a showing of proof of insurance for the vehicle
4 that was impounded and the notarized written consent for the
5 release by the vehicle owner.

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

9 (g) The motor vehicle used in a violation of this Section
10 is subject to seizure and forfeiture as provided in Sections
11 36-1 and 36-2 of the Criminal Code of 1961 if the person's
12 driving privilege was revoked or suspended as a result of a
13 violation listed in paragraph (1) or (2) of subsection (c) of
14 this Section, as a result of a summary suspension or revocation
15 as provided in paragraph (3) of subsection (c) of this Section,
16 or as a result of a violation of Section 9-3 of the Criminal
17 Code of 1961 relating to the offense of reckless homicide.

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

22 (625 ILCS 5/6-520) (from Ch. 95 1/2, par. 6-520)

23 Sec. 6-520. CDL disqualification or out-of-service order;
24 hearing.

25 (a) A disqualification of commercial driving privileges by

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

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

24 (c) The scope of a CDL hearing, for any disqualification
25 imposed pursuant to paragraphs (1) and (2) of subsection (a) of
26 Section 6-514, resulting from the operation of a commercial

1 motor vehicle, shall be limited to the following issues:

2 1. Whether the person was operating a commercial motor
3 vehicle;

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

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

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

20 5. Whether the person was warned that if the test or
21 tests disclosed an alcohol concentration of 0.08 or more or
22 any amount of a drug, substance, or compound resulting from
23 the unlawful use or consumption of cannabis listed in the
24 Cannabis Control Act or a controlled substance listed in
25 the Illinois Controlled Substances Act or methamphetamine
26 as listed in the Methamphetamine Control and Community

1 Protection Act, such results could be admissible in a
2 subsequent prosecution under Section 11-501 of this Code or
3 similar provision of local ordinances; and

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

6 Upon the conclusion of the above CDL hearing, the CDL
7 disqualification imposed shall either be sustained or
8 rescinded.

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

12 1. Whether the person was driving a commercial motor
13 vehicle;

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

22 3. Whether the person was verbally warned of the
23 ensuing consequences prior to being asked to submit to any
24 type of chemical test or tests to determine such person's
25 alcohol, other drug, or both, concentration; and

26 4. Whether, after being so warned, the person did

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

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

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

19 (f) Any evidence of alcohol or other drug consumption, for
20 the purposes of this UCDLA, shall be sufficient probable cause
21 for requesting the driver to submit to a chemical test or tests
22 to determine the presence of alcohol, other drug, or both in
23 the person's system and the subsequent issuance of an
24 out-of-service order or a Sworn Report by a police officer.

25 (g) For the purposes of this UCDLA, a CDL "hearing" shall
26 mean a hearing before the Office of the Secretary of State in

1 accordance with Section 2-118 of this Code, for the purpose of
2 resolving differences or disputes specifically related to the
3 scope of the issues identified in this Section relating to the
4 operation of a commercial motor vehicle. These proceedings will
5 be a matter of record and a final appealable order issued. The
6 petition for a CDL hearing shall not stay or delay the
7 effective date of the impending disqualification.

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

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

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

19 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

20 Sec. 11-401. Motor vehicle accidents involving death or
21 personal injuries.

22 (a) The driver of any vehicle involved in a motor vehicle
23 accident resulting in personal injury to or death of any person
24 shall immediately stop such vehicle at the scene of such
25 accident, or as close thereto as possible and shall then

1 forthwith return to, and in every event shall remain at the
2 scene of the accident until the requirements of Section 11-403
3 have been fulfilled. Every such stop shall be made without
4 obstructing traffic more than is necessary.

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

19 (b-1) Any person arrested for violating this Section is
20 subject to chemical testing of his or her blood, breath, or
21 urine for the presence of alcohol, other drug or drugs,
22 intoxicating compound or compounds, or any combination
23 thereof, as provided in Section 11-501.1, if the testing occurs
24 within 12 hours of the time of the occurrence of the accident
25 that led to his or her arrest. The person's driving privileges
26 are subject to statutory summary suspension under Section

1 11-501.1 if he or she fails testing or statutory summary
2 revocation under Section 11-501.1 if he or she refuses to
3 undergo the testing.

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

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

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

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

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

18 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

19 Sec. 11-500. Definitions. For the purposes of interpreting
20 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
21 shall mean any person who has not had a previous conviction or
22 court assigned supervision for violating Section 11-501, or a
23 similar provision of a local ordinance, or a conviction in any
24 other state for a violation of driving while under the
25 influence or a similar offense where the cause of action is the

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

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

20 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

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

25 (a) Any person who drives or is in actual physical control

1 of a motor vehicle upon the public highways of this State shall
2 be deemed to have given consent, subject to the provisions of
3 Section 11-501.2, to a chemical test or tests of blood, breath,
4 or urine for the purpose of determining the content of alcohol,
5 other drug or drugs, or intoxicating compound or compounds or
6 any combination thereof in the person's blood if arrested, as
7 evidenced by the issuance of a Uniform Traffic Ticket, for any
8 offense as defined in Section 11-501 or a similar provision of
9 a local ordinance, or if arrested for violating Section 11-401.
10 The test or tests shall be administered at the direction of the
11 arresting officer. The law enforcement agency employing the
12 officer shall designate which of the aforesaid tests shall be
13 administered. A urine test may be administered even after a
14 blood or breath test or both has been administered. For
15 purposes of this Section, an Illinois law enforcement officer
16 of this State who is investigating the person for any offense
17 defined in Section 11-501 may travel into an adjoining state,
18 where the person has been transported for medical care, to
19 complete an investigation and to request that the person submit
20 to the test or tests set forth in this Section. The
21 requirements of this Section that the person be arrested are
22 inapplicable, but the officer shall issue the person a Uniform
23 Traffic Ticket for an offense as defined in Section 11-501 or a
24 similar provision of a local ordinance prior to requesting that
25 the person submit to the test or tests. The issuance of the
26 Uniform Traffic Ticket shall not constitute an arrest, but

1 shall be for the purpose of notifying the person that he or she
2 is subject to the provisions of this Section and of the
3 officer's belief of the existence of probable cause to arrest.
4 Upon returning to this State, the officer shall file the
5 Uniform Traffic Ticket with the Circuit Clerk of the county
6 where the offense was committed, and shall seek the issuance of
7 an arrest warrant or a summons for the person.

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

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

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

22 A person who is under the age of 21 at the time the person
23 is requested to submit to a test as provided above shall, in
24 addition to the warnings provided for in this Section, be
25 further warned by the law enforcement officer requesting the
26 test that if the person submits to the test or tests provided

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

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

1 tests, or submitted to testing that disclosed an alcohol
2 concentration of 0.08 or more.

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

9 If the person is a first offender as defined in Section
10 11-500 of this Code, and is not convicted of a violation of
11 Section 11-501 of this Code or a similar provision of a local
12 ordinance, then reports received by the Secretary of State
13 under this Section shall, except during the actual time the
14 Statutory Summary Suspension is in effect, be privileged
15 information and for use only by the courts, police officers,
16 prosecuting authorities or the Secretary of State. However,
17 beginning January 1, 2008, if the person is a CDL holder, the
18 statutory summary suspension shall also be made available to
19 the driver licensing administrator of any other state, the U.S.
20 Department of Transportation, and the affected driver or motor
21 carrier or prospective motor carrier upon request. Reports
22 received by the Secretary of State under this Section shall
23 also be made available to the parent or guardian of a person
24 under the age of 18 years that holds an instruction permit or a
25 graduated driver's license, regardless of whether the
26 statutory summary suspension is in effect. A statutory summary

1 revocation shall not be privileged information.

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

1 (g). The officer shall immediately forward the driver's license
2 or permit to the circuit court of venue along with the sworn
3 report provided for in paragraph (d).

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

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

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

24 (i) As used in this Section, "personal injury" includes any
25 Type A injury as indicated on the traffic accident report
26 completed by a law enforcement officer that requires immediate

1 professional attention in either a doctor's office or a medical
2 facility. A Type A injury includes severely bleeding wounds,
3 distorted extremities, and injuries that require the injured
4 party to be carried from the scene.

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

7 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

13 (a) Any person who drives or is in actual control of a
14 motor vehicle upon the public highways of this State and who
15 has been involved in a personal injury or fatal motor vehicle
16 accident, shall be deemed to have given consent to a breath
17 test using a portable device as approved by the Department of
18 State Police or to a chemical test or tests of blood, breath,
19 or urine for the purpose of determining the content of alcohol,
20 other drug or drugs, or intoxicating compound or compounds of
21 such person's blood if arrested as evidenced by the issuance of
22 a Uniform Traffic Ticket for any violation of the Illinois
23 Vehicle Code or a similar provision of a local ordinance, with
24 the exception of equipment violations contained in Chapter 12
25 of this Code, or similar provisions of local ordinances. This

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

12 (b) Any person who is dead, unconscious or who is otherwise
13 in a condition rendering such person incapable of refusal shall
14 be deemed not to have withdrawn the consent provided by
15 subsection (a) of this Section. In addition, if a driver of a
16 vehicle is receiving medical treatment as a result of a motor
17 vehicle accident, any physician licensed to practice medicine,
18 registered nurse or a phlebotomist acting under the direction
19 of a licensed physician shall withdraw blood for testing
20 purposes to ascertain the presence of alcohol, other drug or
21 drugs, or intoxicating compound or compounds, upon the specific
22 request of a law enforcement officer. However, no such testing
23 shall be performed until, in the opinion of the medical
24 personnel on scene, the withdrawal can be made without
25 interfering with or endangering the 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 0.08 or more,
4 or any amount of a drug, substance, or intoxicating compound
5 resulting from the unlawful use or consumption of cannabis, as
6 covered by the Cannabis Control Act, a controlled substance
7 listed in the Illinois Controlled Substances Act, an
8 intoxicating compound listed in the Use of Intoxicating
9 Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act as
11 detected in such person's blood or urine, may result in the
12 suspension of such person's privilege to operate a motor
13 vehicle and may result in the disqualification of the person's
14 privilege to operate a commercial motor vehicle, as provided in
15 Section 6-514 of this Code, if the person is a CDL holder. The
16 length of the suspension shall be the same as outlined in
17 Section 6-208.1 of this Code regarding statutory summary
18 suspensions.

19 (d) If the person refuses testing or submits to a test
20 which discloses an alcohol concentration of 0.08 or more, or
21 any amount of a drug, substance, or intoxicating compound in
22 such person's blood or urine resulting from the unlawful use or
23 consumption of cannabis listed in the Cannabis Control Act, a
24 controlled substance listed in the Illinois Controlled
25 Substances Act, an intoxicating compound listed in the Use of
26 Intoxicating Compounds Act, or methamphetamine as listed in the

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

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

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

25 In cases where the blood alcohol concentration of 0.08 or
26 more, or any amount of a drug, substance, or intoxicating

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

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

25 (e) A driver may contest this suspension of his or her
26 driving privileges and disqualification of his or her CDL

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

18 (f) (Blank).

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

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

1 (625 ILCS 5/11-501.8)

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

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

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

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

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

23 (iii) The person tested may have a physician, qualified
24 technician, chemist, registered nurse, or other qualified
25 person of his or her own choosing administer a chemical
26 test or tests in addition to any test or tests administered

1 at the direction of a law enforcement officer. The failure
2 or inability to obtain an additional test by a person shall
3 not preclude the consideration of the previously performed
4 chemical test.

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

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

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

24 (c) A person requested to submit to a test as provided
25 above shall be warned by the law enforcement officer requesting
26 the test that a refusal to submit to the test, or submission to

1 the test resulting in an alcohol concentration of more than
2 0.00, may result in the loss of that person's privilege to
3 operate a motor vehicle and may 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 loss of driving privileges shall be
7 imposed in accordance with Section 6-208.2 of this Code.

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

20 Upon receipt of the sworn report of a law enforcement
21 officer, the Secretary of State shall enter the suspension and
22 disqualification on the individual's driving record and the
23 suspension and disqualification shall be effective on the 46th
24 day following the date notice of the suspension was given to
25 the person. If this suspension is the individual's first
26 driver's license suspension under this Section, reports

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

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

19 In cases where the blood alcohol concentration of more than
20 0.00 is established by a subsequent analysis of blood or urine,
21 the police officer or arresting agency shall give notice as
22 provided in this Section or by deposit in the United States
23 mail of that notice in an envelope with postage prepaid and
24 addressed to that person at his last known address and the loss
25 of driving privileges shall be effective on the 46th day
26 following the date notice was given.

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

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

25 (1) whether the police officer had probable cause to
26 believe that the person was driving or in actual physical

1 control of a motor vehicle upon the public highways of the
2 State and the police officer had reason to believe that the
3 person was in violation of any provision of the Illinois
4 Vehicle Code or a similar provision of a local ordinance;
5 and

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

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

14 (4) whether the person, after being advised by the
15 officer that the privilege to operate a motor vehicle would
16 be suspended if the person refused to submit to and
17 complete the test or tests, did refuse to submit to or
18 complete the test or tests to determine the person's
19 alcohol concentration; and

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

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

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

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

26 (f) The results of any chemical testing performed in

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

11 (g) This Section applies only to drivers who are under age
12 21 at the time of the issuance of a Uniform Traffic Ticket for
13 a violation of the Illinois Vehicle Code or a similar provision
14 of a local ordinance, and a chemical test request is made under
15 this Section.

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

24 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;
25 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-876, eff.
26 8-21-08.)

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

3 (725 ILCS 5/115-15)

4 Sec. 115-15. Laboratory reports.

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

1 were performed with due caution and that the evidence was
2 handled in accordance with established and accepted procedures
3 while in the custody of the laboratory.

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

1 evidence was handled in accordance with established and
2 accepted procedures while in the custody of the laboratory.

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

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

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

15 Section 99. Effective date. This Act takes effect July 1,
16 2011.".