

HB3853



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3853

Introduced 10/19/2011, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-500

from Ch. 95 1/2, par. 6-500

Amends the Illinois Vehicle Code. Exempts from the definition of "commercial motor vehicle" police emergency equipment (including equipment owned or operated by peace officers for municipal, county, or State agencies). Effective immediately.

LRB097 13649 HEP 58189 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-500 as follows:

6 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

7 Sec. 6-500. Definitions of words and phrases.

8 Notwithstanding the definitions set forth elsewhere in this
9 Code, for purposes of the Uniform Commercial Driver's License
10 Act (UCDLA), the words and phrases listed below have the
11 meanings ascribed to them as follows:

12 (1) Alcohol. "Alcohol" means any substance containing any
13 form of alcohol, including but not limited to ethanol,
14 methanol, propanol, and isopropanol.

15 (2) Alcohol concentration. "Alcohol concentration" means:

16 (A) the number of grams of alcohol per 210 liters of
17 breath; or

18 (B) the number of grams of alcohol per 100 milliliters
19 of blood; or

20 (C) the number of grams of alcohol per 67 milliliters
21 of urine.

22 Alcohol tests administered within 2 hours of the driver
23 being "stopped or detained" shall be considered that driver's

1 "alcohol concentration" for the purposes of enforcing this
2 UCCLA.

3 (3) (Blank).

4 (4) (Blank).

5 (5) (Blank).

6 (5.3) CDLIS driver record. "CDLIS driver record" means the
7 electronic record of the individual CDL driver's status and
8 history stored by the State-of-Record as part of the Commercial
9 Driver's License Information System, or CDLIS, established
10 under 49 U.S.C. 31309.

11 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
12 record" or "CDLIS MVR" means a report generated from the CDLIS
13 driver record meeting the requirements for access to CDLIS
14 information and provided by states to users authorized in 49
15 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
16 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

17 (5.7) Commercial driver's license downgrade. "Commercial
18 driver's license downgrade" or "CDL downgrade" means either:

19 (A) a state allows the driver to change his or her
20 self-certification to interstate, but operating
21 exclusively in transportation or operation excepted from
22 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
23 391.2, 391.68, or 398.3;

24 (B) a state allows the driver to change his or her
25 self-certification to intrastate only, if the driver
26 qualifies under that state's physical qualification

1 requirements for intrastate only;

2 (C) a state allows the driver to change his or her
3 certification to intrastate, but operating exclusively in
4 transportation or operations excepted from all or part of
5 the state driver qualification requirements; or

6 (D) a state removes the CDL privilege from the driver
7 license.

8 (6) Commercial Motor Vehicle.

9 (A) "Commercial motor vehicle" or "CMV" means a motor
10 vehicle used in commerce, except those referred to in
11 subdivision (B), designed to transport passengers or
12 property if:

13 (i) the vehicle has a GVWR of 26,001 pounds or more
14 or such a lesser GVWR as subsequently determined by
15 federal regulations or the Secretary of State; or any
16 combination of vehicles with a GCWR of 26,001 pounds or
17 more, provided the GVWR of any vehicle or vehicles
18 being towed is 10,001 pounds or more; or

19 (ii) the vehicle is designed to transport 16 or
20 more persons; or

21 (iii) the vehicle is transporting hazardous
22 materials and is required to be placarded in accordance
23 with 49 C.F.R. Part 172, subpart F.

24 (B) Pursuant to the interpretation of the Commercial
25 Motor Vehicle Safety Act of 1986 by the Federal Highway
26 Administration, the definition of "commercial motor

1 vehicle" does not include:

2 (i) recreational vehicles, when operated primarily
3 for personal use;

4 (ii) vehicles owned by or operated under the
5 direction of the United States Department of Defense or
6 the United States Coast Guard only when operated by
7 non-civilian personnel. This includes any operator on
8 active military duty; members of the Reserves;
9 National Guard; personnel on part-time training; and
10 National Guard military technicians (civilians who are
11 required to wear military uniforms and are subject to
12 the Code of Military Justice); or

13 (iii) firefighting, police, and other emergency
14 equipment (including, without limitation, equipment
15 owned or operated by a HazMat or technical rescue team
16 authorized by a county board under Section 5-1127 of
17 the Counties Code and equipment owned or operated by
18 peace officers for municipal, county, or State
19 agencies), with audible and visual signals, owned or
20 operated by or for a governmental entity, which is
21 necessary to the preservation of life or property or
22 the execution of emergency governmental functions
23 which are normally not subject to general traffic rules
24 and regulations.

25 (7) Controlled Substance. "Controlled substance" shall
26 have the same meaning as defined in Section 102 of the Illinois

1 Controlled Substances Act, and shall also include cannabis as
2 defined in Section 3 of the Cannabis Control Act and
3 methamphetamine as defined in Section 10 of the Methamphetamine
4 Control and Community Protection Act.

5 (8) Conviction. "Conviction" means an unvacated
6 adjudication of guilt or a determination that a person has
7 violated or failed to comply with the law in a court of
8 original jurisdiction or by an authorized administrative
9 tribunal; an unvacated forfeiture of bail or collateral
10 deposited to secure the person's appearance in court; a plea of
11 guilty or nolo contendere accepted by the court; the payment of
12 a fine or court cost regardless of whether the imposition of
13 sentence is deferred and ultimately a judgment dismissing the
14 underlying charge is entered; or a violation of a condition of
15 release without bail, regardless of whether or not the penalty
16 is rebated, suspended or probated.

17 (8.5) Day. "Day" means calendar day.

18 (9) (Blank).

19 (10) (Blank).

20 (11) (Blank).

21 (12) (Blank).

22 (13) Driver. "Driver" means any person who drives,
23 operates, or is in physical control of a commercial motor
24 vehicle, any person who is required to hold a CDL, or any
25 person who is a holder of a CDL while operating a
26 non-commercial motor vehicle.

1 (13.5) Driver applicant. "Driver applicant" means an
2 individual who applies to a state to obtain, transfer, upgrade,
3 or renew a CDL.

4 (14) Employee. "Employee" means a person who is employed as
5 a commercial motor vehicle driver. A person who is
6 self-employed as a commercial motor vehicle driver must comply
7 with the requirements of this UCDLA pertaining to employees. An
8 owner-operator on a long-term lease shall be considered an
9 employee.

10 (15) Employer. "Employer" means a person (including the
11 United States, a State or a local authority) who owns or leases
12 a commercial motor vehicle or assigns employees to operate such
13 a vehicle. A person who is self-employed as a commercial motor
14 vehicle driver must comply with the requirements of this UCDLA.

15 (15.3) Excepted interstate. "Excepted interstate" means a
16 person who operates or expects to operate in interstate
17 commerce, but engages exclusively in transportation or
18 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
19 398.3 from all or part of the qualification requirements of 49
20 C.F.R. Part 391 and is not required to obtain a medical
21 examiner's certificate by 49 C.F.R. 391.45.

22 (15.5) Excepted intrastate. "Excepted intrastate" means a
23 person who operates in intrastate commerce but engages
24 exclusively in transportation or operations excepted from all
25 or parts of the state driver qualification requirements.

26 (16) (Blank).

1 (16.5) Fatality. "Fatality" means the death of a person as
2 a result of a motor vehicle accident.

3 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
4 sovereign jurisdiction that does not fall within the definition
5 of "State".

6 (18) (Blank).

7 (19) (Blank).

8 (20) Hazardous materials. "Hazardous Material" means any
9 material that has been designated under 49 U.S.C. 5103 and is
10 required to be placarded under subpart F of 49 C.F.R. part 172
11 or any quantity of a material listed as a select agent or toxin
12 in 42 C.F.R. part 73.

13 (20.5) Imminent Hazard. "Imminent hazard" means the
14 existence of a condition that presents a substantial likelihood
15 that death, serious illness, severe personal injury, or a
16 substantial endangerment to health, property, or the
17 environment may occur before the reasonably foreseeable
18 completion date of a formal proceeding begun to lessen the risk
19 of that death, illness, injury or endangerment.

20 (21) Long-term lease. "Long-term lease" means a lease of a
21 commercial motor vehicle by the owner-lessor to a lessee, for a
22 period of more than 29 days.

23 (21.1) Medical examiner. "Medical examiner" means a person
24 who is licensed, certified, or registered in accordance with
25 applicable state laws and regulations to perform physical
26 examinations. The term includes but is not limited to doctors

1 of medicine, doctors of osteopathy, physician assistants,
2 advanced practice nurses, and doctors of chiropractic.

3 (21.2) Medical examiner's certificate. "Medical examiner's
4 certificate" means a document prescribed or approved by the
5 Secretary of State that is issued by a medical examiner to a
6 driver to medically qualify him or her to drive.

7 (21.5) Medical variance. "Medical variance" means a driver
8 has received one of the following from the Federal Motor
9 Carrier Safety Administration which allows the driver to be
10 issued a medical certificate: (1) an exemption letter
11 permitting operation of a commercial motor vehicle pursuant to
12 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
13 skill performance evaluation (SPE) certificate permitting
14 operation of a commercial motor vehicle pursuant to 49 C.F.R.
15 391.49.

16 (22) Motor Vehicle. "Motor vehicle" means every vehicle
17 which is self-propelled, and every vehicle which is propelled
18 by electric power obtained from over head trolley wires but not
19 operated upon rails, except vehicles moved solely by human
20 power and motorized wheel chairs.

21 (22.2) Motor vehicle record. "Motor vehicle record" means a
22 report of the driving status and history of a driver generated
23 from the driver record provided to users, such as drivers or
24 employers, and is subject to the provisions of the Driver
25 Privacy Protection Act, 18 U.S.C. 2721-2725.

26 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or

1 combination of motor vehicles not defined by the term
2 "commercial motor vehicle" or "CMV" in this Section.

3 (22.7) Non-excepted interstate. "Non-excepted interstate"
4 means a person who operates or expects to operate in interstate
5 commerce, is subject to and meets the qualification
6 requirements under 49 C.F.R. Part 391, and is required to
7 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

8 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
9 means a person who operates only in intrastate commerce and is
10 subject to State driver qualification requirements.

11 (23) Non-resident CDL. "Non-resident CDL" means a
12 commercial driver's license issued by a state under either of
13 the following two conditions:

14 (i) to an individual domiciled in a foreign country
15 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
16 of the Federal Motor Carrier Safety Administration.

17 (ii) to an individual domiciled in another state
18 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
19 of the Federal Motor Carrier Safety Administration.

20 (24) (Blank).

21 (25) (Blank).

22 (25.5) Railroad-Highway Grade Crossing Violation.
23 "Railroad-highway grade crossing violation" means a violation,
24 while operating a commercial motor vehicle, of any of the
25 following:

26 (A) Section 11-1201, 11-1202, or 11-1425 of this

1 Code.

2 (B) Any other similar law or local ordinance of any
3 state relating to railroad-highway grade crossing.

4 (25.7) School Bus. "School bus" means a commercial motor
5 vehicle used to transport pre-primary, primary, or secondary
6 school students from home to school, from school to home, or to
7 and from school-sponsored events. "School bus" does not include
8 a bus used as a common carrier.

9 (26) Serious Traffic Violation. "Serious traffic
10 violation" means:

11 (A) a conviction when operating a commercial motor
12 vehicle, or when operating a non-CMV while holding a CDL,
13 of:

14 (i) a violation relating to excessive speeding,
15 involving a single speeding charge of 15 miles per hour
16 or more above the legal speed limit; or

17 (ii) a violation relating to reckless driving; or

18 (iii) a violation of any State law or local
19 ordinance relating to motor vehicle traffic control
20 (other than parking violations) arising in connection
21 with a fatal traffic accident; or

22 (iv) a violation of Section 6-501, relating to
23 having multiple driver's licenses; or

24 (v) a violation of paragraph (a) of Section 6-507,
25 relating to the requirement to have a valid CDL; or

26 (vi) a violation relating to improper or erratic

1 traffic lane changes; or

2 (vii) a violation relating to following another
3 vehicle too closely; or

4 (B) any other similar violation of a law or local
5 ordinance of any state relating to motor vehicle traffic
6 control, other than a parking violation, which the
7 Secretary of State determines by administrative rule to be
8 serious.

9 (27) State. "State" means a state of the United States, the
10 District of Columbia and any province or territory of Canada.

11 (28) (Blank).

12 (29) (Blank).

13 (30) (Blank).

14 (31) (Blank).

15 (Source: P.A. 97-208, eff. 1-1-12.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.