



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5073

Introduced 2/7/2012, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

See Index

Amends the Secretary of State Act. Provides that fees for dishonored payments apply to any payment (instead of to each check, money order, or bank draft). Provides that the Secretary shall assess a penalty of 25% for certain dishonored payments. Provides that the Secretary may waive fees for certain duplicate documents for disaster victims who meet specified criteria. Amends the Illinois Vehicle Code. Increases the fee for dishonored payments from \$19 to \$25 and makes the fee applicable to all dishonored payments (instead of only to checks). Provides that out of each fee collected for dishonored payments, \$5 shall be deposited in the Secretary of State Special Services Fund. Provides that penalty fees take effect if the total amount due to the Secretary exceeds \$100 (instead of \$50). Provides that certain Armed Forces members are exempt from driver's license requirements for a period of 120 (instead of 90) days following the service members' return to the United States. Puts restrictions on the issuance of a graduated driver's license to persons under 18 years of age who are not legally emancipated (instead of legally emancipated by marriage). Removes provisions containing certain restrictions on the operation of a motor vehicle by a graduated driver's license holder. Provides that the Secretary may cancel any license or permit upon determining that the holder has had his or her medical examiner's certificate, medical variance, or both removed or rescinded by the Federal Motor Carrier Safety Administration or has failed to self-certify as to the type of driving in which the CDL driver engages or expects to engage. Provides that certain information collected from a driver education provider applicant may be used at administrative hearings relating to the denial, cancellation, suspension, or revocation of a driver training school license. Removes certain language concerning the applicability of a Section concerning chemical testing of motorists involved in a personal injury or fatal motor vehicle accident. Sec. 5.5 of Section 5 and Sec. 3-821 of Section 10 are effective January 1, 2013. The remainder of the Act is effective immediately.

LRB097 15757 HEP 65248 b

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Secretary of State Act is amended by
5 changing Section 5.5 and by adding Section 6b as follows:

6 (15 ILCS 305/5.5)

7 Sec. 5.5. Secretary of State fees. There shall be paid to
8 the Secretary of State the following fees:

9 For certificate or apostille, with seal: \$2.

10 For each certificate, without seal: \$1.

11 For each commission to any officer or other person (except
12 military commissions), with seal: \$2.

13 For copies of exemplifications of records, or for a
14 certified copy of any document, instrument, or paper when not
15 otherwise provided by law, and it does not exceed legal size:
16 \$0.50 per page or any portion of a page; and \$2 for the
17 certificate, with seal affixed.

18 For copies of exemplifications of records or a certified
19 copy of any document, instrument, or paper, when not otherwise
20 provided for by law, that exceeds legal size: \$1 per page or
21 any portion of a page; and \$2 for the certificate, with seal
22 affixed.

23 For copies of bills or other papers: \$0.50 per page or any

1 portion of a page; and \$2 for the certificate, with seal
2 affixed, except that there shall be no charge for making or
3 certifying copies that are furnished to any governmental agency
4 for official use.

5 For recording a duplicate of an affidavit showing the
6 appointment of trustees of a religious corporation: \$0.50; and
7 \$2 for the certificate of recording, with seal affixed.

8 For filing and recording an application under the Soil
9 Conservation Districts Law and making and issuing a certificate
10 for the application, under seal: \$10.

11 For recording any other document, instrument, or paper
12 required or permitted to be recorded with the Secretary of
13 State, which recording shall be done by any approved
14 photographic or photostatic process, if the page to be recorded
15 does not exceed legal size and the fees and charges therefor
16 are not otherwise fixed by law: \$0.50 per page or any portion
17 of a page; and \$2 for the certificate of recording, with seal
18 affixed.

19 For recording any other document, instrument, or paper
20 required or permitted to be recorded with the Secretary of
21 State, which recording shall be done by any approved
22 photographic or photostatic process, if the page to be recorded
23 exceeds legal size and the fees and charges therefor are not
24 otherwise fixed by law: \$1 per page or any portion of a page;
25 and \$2 for the certificate of recording attached to the
26 original, with seal affixed.

1 For each duplicate certified copy of a school land patent:
2 \$3.

3 For each photostatic copy of a township plat: \$2.

4 For each page of a photostatic copy of surveyors field
5 notes: \$2.

6 For each page of a photostatic copy of a state land patent,
7 including certification: \$4.

8 For each page of a photostatic copy of a swamp land grant:
9 \$2.

10 For each page of photostatic copies of all other
11 instruments or documents relating to land records: \$2.

12 For any payment to ~~each check, money order, or bank draft~~
13 ~~returned by~~ the Secretary of State when it has not been
14 honored: \$25. If the total amount due to the Secretary exceeds
15 \$100 and has not been paid in full within 60 days from the date
16 the fee became due, the Secretary shall assess a penalty of 25%
17 of the dishonored payment amount.

18 For any research request received after the effective date
19 of the changes made to this Section by this amendatory Act of
20 the 93rd General Assembly by an out-of-State or non-Illinois
21 resident: \$10, prepaid and nonrefundable, for which the
22 requester will receive up to 2 unofficial noncertified copies
23 of the records requested. The fees under this paragraph shall
24 be deposited into the General Revenue Fund.

25 The Illinois State Archives is authorized to charge
26 reasonable fees to reimburse the cost of production and

1 distribution of copies of finding aids to the records that it
2 holds or copies of published versions or editions of those
3 records in printed, microfilm, or electronic formats. The fees
4 under this paragraph shall be deposited into the General
5 Revenue Fund.

6 As used in this Section, "legal size" means a sheet of
7 paper that is 8.5 inches wide and 14 inches long, or written or
8 printed matter on a sheet of paper that does not exceed that
9 width and length, or either of them.

10 (Source: P.A. 93-32, eff. 1-1-04.)

11 (15 ILCS 305/6b new)

12 Sec. 6b. Waiver of certain fees for disaster victims. The
13 Secretary of State may, upon a proclamation by the Governor
14 that a disaster exists, waive fees for a duplicate certificate
15 of title, vehicle registration, driver's license, or State
16 identification card if the citizen provides sufficient proof
17 that he or she resides in the declared disaster area and that
18 the original documents were lost or destroyed due to the
19 disaster.

20 Section 10. The Illinois Vehicle Code is amended by
21 changing Sections 3-821, 6-102, 6-107, 6-201, 6-402, 6-411 and
22 11-501.6 as follows:

23 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

1 Sec. 3-821. Miscellaneous Registration and Title Fees.

2 (a) The fee to be paid to the Secretary of State for the
3 following certificates, registrations or evidences of proper
4 registration, or for corrected or duplicate documents shall be
5 in accordance with the following schedule:

6 Certificate of Title, except for an all-terrain 7 vehicle or off-highway motorcycle	\$95
8 Certificate of Title for an all-terrain vehicle 9 or off-highway motorcycle	\$30
10 Certificate of Title for an all-terrain vehicle 11 or off-highway motorcycle used for production 12 agriculture, or accepted by a dealer in trade	13
13 Certificate of Title for a low-speed vehicle	30
14 Transfer of Registration or any evidence of 15 proper registration	\$25
16 Duplicate Registration Card for plates or other 17 evidence of proper registration	3
18 Duplicate Registration Sticker or Stickers, each	20
19 Duplicate Certificate of Title	95
20 Corrected Registration Card or Card for other 21 evidence of proper registration	3
22 Corrected Certificate of Title	95
23 Salvage Certificate	4
24 Fleet Reciprocity Permit	15
25 Prorate Decal	1
26 Prorate Backing Plate	3

1	Special Corrected Certificate of Title	15
2	Expedited Title Service (to be charged in addition	
3	to other applicable fees)	30

4 A special corrected certificate of title shall be issued
5 (i) to remove a co-owner's name due to the death of the
6 co-owner or due to a divorce or (ii) to change a co-owner's
7 name due to a marriage.

8 There shall be no fee paid for a Junking Certificate.

9 There shall be no fee paid for a certificate of title
10 issued to a county when the vehicle is forfeited to the county
11 under Article 36 of the Criminal Code of 1961.

12 (a-5) The Secretary of State may revoke a certificate of
13 title and registration card and issue a corrected certificate
14 of title and registration card, at no fee to the vehicle owner
15 or lienholder, if there is proof that the vehicle
16 identification number is erroneously shown on the original
17 certificate of title.

18 (b) The Secretary may prescribe the maximum service charge
19 to be imposed upon an applicant for renewal of a registration
20 by any person authorized by law to receive and remit or
21 transmit to the Secretary such renewal application and fees
22 therewith.

23 (c) If payment ~~a check~~ is delivered to the Office of the
24 Secretary of State as payment of any fee or tax under this
25 Code, and such payment ~~check~~ is not honored ~~by the bank on~~
26 ~~which it is drawn~~ for any reason, the registrant or other

1 person tendering the payment ~~check~~ remains liable for the
2 payment of such fee or tax. The Secretary of State may assess a
3 service charge of \$25 ~~\$19~~ in addition to the fee or tax due and
4 owing for all dishonored payments ~~checks~~.

5 If the total amount then due and owing exceeds the sum of
6 \$100 ~~\$50~~ and has not been paid in full within 60 days from the
7 date such fee or tax became due to the Secretary of State, the
8 Secretary of State shall assess a penalty of 25% of such amount
9 remaining unpaid.

10 All amounts payable under this Section shall be computed to
11 the nearest dollar. Out of each fee collected for dishonored
12 payments, \$5 shall be deposited in the Secretary of State
13 Special Services Fund.

14 (d) The minimum fee and tax to be paid by any applicant for
15 apportionment of a fleet of vehicles under this Code shall be
16 \$15 if the application was filed on or before the date
17 specified by the Secretary together with fees and taxes due. If
18 an application and the fees or taxes due are filed after the
19 date specified by the Secretary, the Secretary may prescribe
20 the payment of interest at the rate of 1/2 of 1% per month or
21 fraction thereof after such due date and a minimum of \$8.

22 (e) Trucks, truck tractors, truck tractors with loads, and
23 motor buses, any one of which having a combined total weight in
24 excess of 12,000 lbs. shall file an application for a Fleet
25 Reciprocity Permit issued by the Secretary of State. This
26 permit shall be in the possession of any driver operating a

1 vehicle on Illinois highways. Any foreign licensed vehicle of
2 the second division operating at any time in Illinois without a
3 Fleet Reciprocity Permit or other proper Illinois
4 registration, shall subject the operator to the penalties
5 provided in Section 3-834 of this Code. For the purposes of
6 this Code, "Fleet Reciprocity Permit" means any second division
7 motor vehicle with a foreign license and used only in
8 interstate transportation of goods. The fee for such permit
9 shall be \$15 per fleet which shall include all vehicles of the
10 fleet being registered.

11 (f) For purposes of this Section, "all-terrain vehicle or
12 off-highway motorcycle used for production agriculture" means
13 any all-terrain vehicle or off-highway motorcycle used in the
14 raising of or the propagation of livestock, crops for sale for
15 human consumption, crops for livestock consumption, and
16 production seed stock grown for the propagation of feed grains
17 and the husbandry of animals or for the purpose of providing a
18 food product, including the husbandry of blood stock as a main
19 source of providing a food product. "All-terrain vehicle or
20 off-highway motorcycle used in production agriculture" also
21 means any all-terrain vehicle or off-highway motorcycle used in
22 animal husbandry, floriculture, aquaculture, horticulture, and
23 viticulture.

24 (g) All of the proceeds of the additional fees imposed by
25 Public Act 96-34 shall be deposited into the Capital Projects
26 Fund.

1 (Source: P.A. 95-287, eff. 1-1-08; 96-34, eff. 7-13-09; 96-554,
2 eff. 1-1-10; 96-653, eff. 1-1-10; 96-1000, eff. 7-2-10;
3 96-1274, eff. 7-26-10.)

4 (625 ILCS 5/6-102) (from Ch. 95 1/2, par. 6-102)

5 Sec. 6-102. What persons are exempt. The following persons
6 are exempt from the requirements of Section 6-101 and are not
7 required to have an Illinois drivers license or permit if one
8 or more of the following qualifying exemptions are met and
9 apply:

10 1. Any employee of the United States Government or any
11 member of the Armed Forces of the United States, while
12 operating a motor vehicle owned by or leased to the United
13 States Government and being operated on official business
14 need not be licensed;

15 2. A nonresident who has in his immediate possession a
16 valid license issued to him in his home state or country
17 may operate a motor vehicle for which he is licensed for
18 the period during which he is in this State;

19 3. A nonresident and his spouse and children living
20 with him who is a student at a college or university in
21 Illinois who have a valid license issued by their home
22 State.

23 4. A person operating a road machine temporarily upon a
24 highway or operating a farm tractor between the home farm
25 buildings and any adjacent or nearby farm land for the

1 exclusive purpose of conducting farm operations need not be
2 licensed as a driver.

3 5. A resident of this State who has been serving as a
4 member of the Armed Forces of the United States outside the
5 Continental limits of the United States, for a period of
6 120 ~~90~~ days following his return to the continental limits
7 of the United States.

8 6. A nonresident on active duty in the Armed Forces of
9 the United States who has a valid license issued by his
10 home state and such nonresident's spouse, and dependent
11 children and living with parents, who have a valid license
12 issued by their home state.

13 7. A nonresident who becomes a resident of this State,
14 may for a period of the first 90 days of residence in
15 Illinois operate any motor vehicle which he was qualified
16 or licensed to drive by his home state or country so long
17 as he has in his possession, a valid and current license
18 issued to him by his home state or country. Upon expiration
19 of such 90 day period, such new resident must comply with
20 the provisions of this Act and apply for an Illinois
21 license or permit.

22 8. An engineer, conductor, brakeman, or any other
23 member of the crew of a locomotive or train being operated
24 upon rails, including operation on a railroad crossing over
25 a public street, road or highway. Such person is not
26 required to display a driver's license to any law

1 enforcement officer in connection with the operation of a
2 locomotive or train within this State.

3 The provisions of this Section granting exemption to any
4 nonresident shall be operative to the same extent that the laws
5 of the State or country of such nonresident grant like
6 exemption to residents of this State.

7 The Secretary of State may implement the exemption
8 provisions of this Section by inclusion thereof in a
9 reciprocity agreement, arrangement or declaration issued
10 pursuant to this Act.

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

12 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

13 Sec. 6-107. Graduated license.

14 (a) The purpose of the Graduated Licensing Program is to
15 develop safe and mature driving habits in young, inexperienced
16 drivers and reduce or prevent motor vehicle accidents,
17 fatalities, and injuries by:

18 (1) providing for an increase in the time of practice
19 period before granting permission to obtain a driver's
20 license;

21 (2) strengthening driver licensing and testing
22 standards for persons under the age of 21 years;

23 (3) sanctioning driving privileges of drivers under
24 age 21 who have committed serious traffic violations or
25 other specified offenses; and

1 (4) setting stricter standards to promote the public's
2 health and safety.

3 (b) The application of any person under the age of 18
4 years, and not legally emancipated ~~by marriage~~, for a drivers
5 license or permit to operate a motor vehicle issued under the
6 laws of this State, shall be accompanied by the written consent
7 of either parent of the applicant; otherwise by the guardian
8 having custody of the applicant, or in the event there is no
9 parent or guardian, then by another responsible adult. The
10 written consent must accompany any application for a driver's
11 license under this subsection (b), regardless of whether or not
12 the required written consent also accompanied the person's
13 previous application for an instruction permit.

14 No graduated driver's license shall be issued to any
15 applicant under 18 years of age, unless the applicant is at
16 least 16 years of age and has:

17 (1) Held a valid instruction permit for a minimum of 9
18 months.

19 (2) Passed an approved driver education course and
20 submits proof of having passed the course as may be
21 required.

22 (3) Certification by the parent, legal guardian, or
23 responsible adult that the applicant has had a minimum of
24 50 hours of behind-the-wheel practice time, at least 10
25 hours of which have been at night, and is sufficiently
26 prepared and able to safely operate a motor vehicle.

1 (b-1) No graduated driver's license shall be issued to any
2 applicant who is under 18 years of age and not legally
3 emancipated ~~by marriage~~, unless the applicant has graduated
4 from a secondary school of this State or any other state, is
5 enrolled in a course leading to a general educational
6 development (GED) certificate, has obtained a GED certificate,
7 is enrolled in an elementary or secondary school or college or
8 university of this State or any other state and is not a
9 chronic or habitual truant as provided in Section 26-2a of the
10 School Code, or is receiving home instruction and submits proof
11 of meeting any of those requirements at the time of
12 application.

13 An applicant under 18 years of age who provides proof
14 acceptable to the Secretary that the applicant has resumed
15 regular school attendance or home instruction or that his or
16 her application was denied in error shall be eligible to
17 receive a graduated license if other requirements are met. The
18 Secretary shall adopt rules for implementing this subsection
19 (b-1).

20 (c) No graduated driver's license or permit shall be issued
21 to any applicant under 18 years of age who has committed the
22 offense of operating a motor vehicle without a valid license or
23 permit in violation of Section 6-101 of this Code or a similar
24 out of state offense and no graduated driver's license or
25 permit shall be issued to any applicant under 18 years of age
26 who has committed an offense that would otherwise result in a

1 mandatory revocation of a license or permit as provided in
2 Section 6-205 of this Code or who has been either convicted of
3 or adjudicated a delinquent based upon a violation of the
4 Cannabis Control Act, the Illinois Controlled Substances Act,
5 the Use of Intoxicating Compounds Act, or the Methamphetamine
6 Control and Community Protection Act while that individual was
7 in actual physical control of a motor vehicle. For purposes of
8 this Section, any person placed on probation under Section 10
9 of the Cannabis Control Act, Section 410 of the Illinois
10 Controlled Substances Act, or Section 70 of the Methamphetamine
11 Control and Community Protection Act shall not be considered
12 convicted. Any person found guilty of this offense, while in
13 actual physical control of a motor vehicle, shall have an entry
14 made in the court record by the judge that this offense did
15 occur while the person was in actual physical control of a
16 motor vehicle and order the clerk of the court to report the
17 violation to the Secretary of State as such.

18 (d) No graduated driver's license shall be issued for 9
19 months to any applicant under the age of 18 years who has
20 committed and subsequently been convicted of an offense against
21 traffic regulations governing the movement of vehicles, any
22 violation of this Section or Section 12-603.1 of this Code, or
23 who has received a disposition of court supervision for a
24 violation of Section 6-20 of the Illinois Liquor Control Act of
25 1934 or a similar provision of a local ordinance.

26 (e) No graduated driver's license holder under the age of

1 18 years shall operate any motor vehicle, except a motor driven
2 cycle or motorcycle, with more than one passenger in the front
3 seat of the motor vehicle and no more passengers in the back
4 seats than the number of available seat safety belts as set
5 forth in Section 12-603 of this Code. If a graduated driver's
6 license holder over the age of 18 committed an offense against
7 traffic regulations governing the movement of vehicles or any
8 violation of this Section or Section 12-603.1 of this Code in
9 the 6 months prior to the graduated driver's license holder's
10 18th birthday, and was subsequently convicted of the violation,
11 the provisions of this paragraph shall continue to apply until
12 such time as a period of 6 consecutive months has elapsed
13 without an additional violation and subsequent conviction of an
14 offense against traffic regulations governing the movement of
15 vehicles or any violation of this Section or Section 12-603.1
16 of this Code.

17 (f) (Blank). ~~No graduated driver's license holder under the~~
18 ~~age of 18 shall operate a motor vehicle unless each driver and~~
19 ~~passenger under the age of 19 is wearing a properly adjusted~~
20 ~~and fastened seat safety belt and each child under the age of 8~~
21 ~~is protected as required under the Child Passenger Protection~~
22 ~~Act. If a graduated driver's license holder over the age of 18~~
23 ~~committed an offense against traffic regulations governing the~~
24 ~~movement of vehicles or any violation of this Section or~~
25 ~~Section 12-603.1 of this Code in the 6 months prior to the~~
26 ~~graduated driver's license holder's 18th birthday, and was~~

1 ~~subsequently convicted of the violation, the provisions of this~~
2 ~~paragraph shall continue to apply until such time as a period~~
3 ~~of 6 consecutive months has elapsed without an additional~~
4 ~~violation and subsequent conviction of an offense against~~
5 ~~traffic regulations governing the movement of vehicles or any~~
6 ~~violation of this Section or Section 12-603.1 of this Code.~~

7 (g) If a graduated driver's license holder is under the age
8 of 18 when he or she receives the license, for the first 12
9 months he or she holds the license or until he or she reaches
10 the age of 18, whichever occurs sooner, the graduated license
11 holder may not operate a motor vehicle with more than one
12 passenger in the vehicle who is under the age of 20, unless any
13 additional passenger or passengers are siblings,
14 step-siblings, children, or stepchildren of the driver. If a
15 graduated driver's license holder committed an offense against
16 traffic regulations governing the movement of vehicles or any
17 violation of this Section or Section 12-603.1 of this Code
18 during the first 12 months the license is held and subsequently
19 is convicted of the violation, the provisions of this paragraph
20 shall remain in effect until such time as a period of 6
21 consecutive months has elapsed without an additional violation
22 and subsequent conviction of an offense against traffic
23 regulations governing the movement of vehicles or any violation
24 of this Section or Section 12-603.1 of this Code.

25 (h) It shall be an offense for a person that is age 15, but
26 under age 20, to be a passenger in a vehicle operated by a

1 driver holding a graduated driver's license during the first 12
2 months the driver holds the license or until the driver reaches
3 the age of 18, whichever occurs sooner, if another passenger
4 under the age of 20 is present, excluding a sibling,
5 step-sibling, child, or step-child of the driver.

6 (Source: P.A. 96-607, eff. 8-24-09; 97-229, eff. 7-28-11.)

7 (625 ILCS 5/6-201)

8 Sec. 6-201. Authority to cancel licenses and permits.

9 (a) The Secretary of State is authorized to cancel any
10 license or permit upon determining that the holder thereof:

11 1. was not entitled to the issuance thereof hereunder;

12 or

13 2. failed to give the required or correct information
14 in his application; or

15 3. failed to pay any fees, civil penalties owed to the
16 Illinois Commerce Commission, or taxes due under this Act
17 and upon reasonable notice and demand; or

18 4. committed any fraud in the making of such
19 application; or

20 5. is ineligible therefor under the provisions of
21 Section 6-103 of this Act, as amended; or

22 6. has refused or neglected to submit an alcohol, drug,
23 and intoxicating compound evaluation or to submit to
24 examination or re-examination as required under this Act;

25 or

1 7. has been convicted of violating the Cannabis Control
2 Act, the Illinois Controlled Substances Act, the
3 Methamphetamine Control and Community Protection Act, or
4 the Use of Intoxicating Compounds Act while that individual
5 was in actual physical control of a motor vehicle. For
6 purposes of this Section, any person placed on probation
7 under Section 10 of the Cannabis Control Act, Section 410
8 of the Illinois Controlled Substances Act, or Section 70 of
9 the Methamphetamine Control and Community Protection Act
10 shall not be considered convicted. Any person found guilty
11 of this offense, while in actual physical control of a
12 motor vehicle, shall have an entry made in the court record
13 by the judge that this offense did occur while the person
14 was in actual physical control of a motor vehicle and order
15 the clerk of the court to report the violation to the
16 Secretary of State as such. After the cancellation, the
17 Secretary of State shall not issue a new license or permit
18 for a period of one year after the date of cancellation.
19 However, upon application, the Secretary of State may, if
20 satisfied that the person applying will not endanger the
21 public safety, or welfare, issue a restricted driving
22 permit granting the privilege of driving a motor vehicle
23 between the petitioner's residence and petitioner's place
24 of employment or within the scope of the petitioner's
25 employment related duties, or to allow transportation for
26 the petitioner or a household member of the petitioner's

1 family for the receipt of necessary medical care, or
2 provide transportation for the petitioner to and from
3 alcohol or drug remedial or rehabilitative activity
4 recommended by a licensed service provider, or for the
5 petitioner to attend classes, as a student, in an
6 accredited educational institution. The petitioner must
7 demonstrate that no alternative means of transportation is
8 reasonably available; provided that the Secretary's
9 discretion shall be limited to cases where undue hardship,
10 as defined by the rules of the Secretary of State, would
11 result from a failure to issue such restricted driving
12 permit. In each case the Secretary of State may issue such
13 restricted driving permit for such period as he deems
14 appropriate, except that such permit shall expire within
15 one year from the date of issuance. A restricted driving
16 permit issued hereunder shall be subject to cancellation,
17 revocation and suspension by the Secretary of State in like
18 manner and for like cause as a driver's license issued
19 hereunder may be cancelled, revoked or suspended; except
20 that a conviction upon one or more offenses against laws or
21 ordinances regulating the movement of traffic shall be
22 deemed sufficient cause for the revocation, suspension or
23 cancellation of a restricted driving permit. The Secretary
24 of State may, as a condition to the issuance of a
25 restricted driving permit, require the applicant to
26 participate in a driver remedial or rehabilitative

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

6 8. failed to submit a report as required by Section
7 6-116.5 of this Code; or

8 9. has been convicted of a sex offense as defined in
9 the Sex Offender Registration Act. The driver's license
10 shall remain cancelled until the driver registers as a sex
11 offender as required by the Sex Offender Registration Act,
12 proof of the registration is furnished to the Secretary of
13 State and the sex offender provides proof of current
14 address to the Secretary; or

15 10. is ineligible for a license or permit under Section
16 6-107, 6-107.1, or 6-108 of this Code; or

17 11. refused or neglected to appear at a Driver Services
18 facility to have the license or permit corrected and a new
19 license or permit issued or to present documentation for
20 verification of identity; or

21 12. failed to submit a medical examiner's certificate
22 or medical variance as required by 49 C.F.R. 383.71 or
23 submitted a fraudulent medical examiner's certificate or
24 medical variance; or -

25 13. has had his or her medical examiner's certificate,
26 medical variance, or both removed or rescinded by the

1 Federal Motor Carrier Safety Administration; or
2 14. failed to self-certify as to the type of driving in
3 which the CDL driver engages or expects to engage.

4 (b) Upon such cancellation the licensee or permittee must
5 surrender the license or permit so cancelled to the Secretary
6 of State.

7 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
8 Secretary of State shall have exclusive authority to grant,
9 issue, deny, cancel, suspend and revoke driving privileges,
10 drivers' licenses and restricted driving permits.

11 (d) The Secretary of State may adopt rules to implement
12 this Section.

13 (Source: P.A. 97-208, eff. 1-1-12; 97-229; eff. 7-28-11;
14 revised 10-4-11.)

15 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

16 Sec. 6-402. Qualifications of driver training schools. In
17 order to qualify for a license to operate a driver training
18 school, each applicant must:

19 (a) be of good moral character;

20 (b) be at least 21 years of age;

21 (c) maintain an established place of business open to
22 the public which meets the requirements of Section 6-403
23 through 6-407;

24 (d) maintain bodily injury and property damage
25 liability insurance on motor vehicles while used in driving

1 instruction, insuring the liability of the driving school,
2 the driving instructors and any person taking instruction
3 in at least the following amounts: \$50,000 for bodily
4 injury to or death of one person in any one accident and,
5 subject to said limit for one person, \$100,000 for bodily
6 injury to or death of 2 or more persons in any one accident
7 and the amount of \$10,000 for damage to property of others
8 in any one accident. Evidence of such insurance coverage in
9 the form of a certificate from the insurance carrier shall
10 be filed with the Secretary of State, and such certificate
11 shall stipulate that the insurance shall not be cancelled
12 except upon 10 days prior written notice to the Secretary
13 of State. The decal showing evidence of insurance shall be
14 affixed to the windshield of the vehicle;

15 (e) provide a continuous surety company bond in the
16 principal sum of \$10,000 for a non-accredited school,
17 \$40,000 for a CDL or teenage accredited school, \$60,000 for
18 a CDL accredited and teenage accredited school, \$50,000 for
19 a CDL or teenage accredited school with 3 or more licensed
20 branches, \$70,000 for a CDL accredited and teenage
21 accredited school with 3 or more licensed branches for the
22 protection of the contractual rights of students in such
23 form as will meet with the approval of the Secretary of
24 State and written by a company authorized to do business in
25 this State. However, the aggregate liability of the surety
26 for all breaches of the condition of the bond in no event

1 shall exceed the principal sum of \$10,000 for a
2 non-accredited school, \$40,000 for a CDL or teenage
3 accredited school, \$60,000 for a CDL accredited and teenage
4 accredited school, \$50,000 for a CDL or teenage accredited
5 school with 3 or more licensed branches, \$70,000 for a CDL
6 accredited and teenage accredited school with 3 or more
7 licensed branches. The surety on any such bond may cancel
8 such bond on giving 30 days notice thereof in writing to
9 the Secretary of State and shall be relieved of liability
10 for any breach of any conditions of the bond which occurs
11 after the effective date of cancellation;

12 (f) have the equipment necessary to the giving of
13 proper instruction in the operation of motor vehicles;

14 (g) have and use a business telephone listing for all
15 business purposes;

16 (h) pay to the Secretary of State an application fee of
17 \$500 and \$50 for each branch application; and

18 (i) authorize an investigation to include a
19 fingerprint based background check to determine if the
20 applicant has ever been convicted of a crime and if so, the
21 disposition of those convictions. The authorization shall
22 indicate the scope of the inquiry and the agencies that may
23 be contacted. Upon this authorization, the Secretary of
24 State may request and receive information and assistance
25 from any federal, State, or local governmental agency as
26 part of the authorized investigation. Each applicant shall

1 have his or her fingerprints submitted to the Department of
2 State Police in the form and manner prescribed by the
3 Department of State Police. The fingerprints shall be
4 checked against the Department of State Police and Federal
5 Bureau of Investigation criminal history record
6 information databases. The Department of State Police
7 shall charge a fee for conducting the criminal history
8 records check, which shall be deposited in the State Police
9 Services Fund and shall not exceed the actual cost of the
10 records check. The applicant shall be required to pay all
11 related fingerprint fees including, but not limited to, the
12 amounts established by the Department of State Police and
13 the Federal Bureau of Investigation to process fingerprint
14 based criminal background investigations. The Department
15 of State Police shall provide information concerning any
16 criminal convictions and disposition of criminal
17 convictions brought against the applicant upon request of
18 the Secretary of State provided that the request is made in
19 the form and manner required by the Department of the State
20 Police. Unless otherwise prohibited by law, the
21 information derived from the investigation including the
22 source of the information and any conclusions or
23 recommendations derived from the information by the
24 Secretary of State shall be provided to the applicant, or
25 his designee, upon request to the Secretary of State, prior
26 to any final action by the Secretary of State on the

1 application. Any criminal convictions and disposition
2 information obtained by the Secretary of State shall be
3 confidential and may not be transmitted outside the Office
4 of the Secretary of State, except as required herein, and
5 may not be transmitted to anyone within the Office of the
6 Secretary of State except as needed for the purpose of
7 evaluating the applicant. At any administrative hearing
8 held under Section 2-118 of this Code relating to the
9 denial, cancellation, suspension, or revocation of a
10 driver training school license, the Secretary of State is
11 authorized to utilize at that hearing any criminal
12 histories, criminal convictions, and disposition
13 information obtained under this Section. The information
14 obtained from the investigation may be maintained by the
15 Secretary of State or any agency to which the information
16 was transmitted. Only information and standards, which
17 bear a reasonable and rational relation to the performance
18 of a driver training school owner, shall be used by the
19 Secretary of State. Any employee of the Secretary of State
20 who gives or causes to be given away any confidential
21 information concerning any criminal charges or disposition
22 of criminal charges of an applicant shall be guilty of a
23 Class A misdemeanor, unless release of the information is
24 authorized by this Section.

25 No license shall be issued under this Section to a person
26 who is a spouse, offspring, sibling, parent, grandparent,

1 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
2 of the person whose license to do business at that location has
3 been revoked or denied or to a person who was an officer or
4 employee of a business firm that has had its license revoked or
5 denied, unless the Secretary of State is satisfied the
6 application was submitted in good faith and not for the purpose
7 or effect of defeating the intent of this Code.

8 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;
9 96-1062, eff. 7-14-10; 97-333, eff. 8-12-11.)

10 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

11 Sec. 6-411. Qualifications of Driver Training Instructors.
12 In order to qualify for a license as an instructor for a
13 driving school, an applicant must:

14 (a) Be of good moral character;

15 (b) Authorize an investigation to include a
16 fingerprint based background check to determine if the
17 applicant has ever been convicted of a crime and if so, the
18 disposition of those convictions; this authorization shall
19 indicate the scope of the inquiry and the agencies which
20 may be contacted. Upon this authorization the Secretary of
21 State may request and receive information and assistance
22 from any federal, state or local governmental agency as
23 part of the authorized investigation. Each applicant shall
24 submit his or her fingerprints to the Department of State
25 Police in the form and manner prescribed by the Department

1 of State Police. These fingerprints shall be checked
2 against the fingerprint records now and hereafter filed in
3 the Department of State Police and Federal Bureau of
4 Investigation criminal history records databases. The
5 Department of State Police shall charge a fee for
6 conducting the criminal history records check, which shall
7 be deposited in the State Police Services Fund and shall
8 not exceed the actual cost of the records check. The
9 applicant shall be required to pay all related fingerprint
10 fees including, but not limited to, the amounts established
11 by the Department of State Police and the Federal Bureau of
12 Investigation to process fingerprint based criminal
13 background investigations. The Department of State Police
14 shall provide information concerning any criminal
15 convictions, and their disposition, brought against the
16 applicant upon request of the Secretary of State when the
17 request is made in the form and manner required by the
18 Department of State Police. Unless otherwise prohibited by
19 law, the information derived from this investigation
20 including the source of this information, and any
21 conclusions or recommendations derived from this
22 information by the Secretary of State shall be provided to
23 the applicant, or his designee, upon request to the
24 Secretary of State, prior to any final action by the
25 Secretary of State on the application. At any
26 administrative hearing held under Section 2-118 of this

1 Code relating to the denial, cancellation, suspension, or
2 revocation of a driver training school license, the
3 Secretary of State is authorized to utilize at that hearing
4 any criminal histories, criminal convictions, and
5 disposition information obtained under this Section. Any
6 criminal convictions and their disposition information
7 obtained by the Secretary of State shall be confidential
8 and may not be transmitted outside the Office of the
9 Secretary of State, except as required herein, and may not
10 be transmitted to anyone within the Office of the Secretary
11 of State except as needed for the purpose of evaluating the
12 applicant. The information obtained from this
13 investigation may be maintained by the Secretary of State
14 or any agency to which such information was transmitted.
15 Only information and standards which bear a reasonable and
16 rational relation to the performance of a driver training
17 instructor shall be used by the Secretary of State. Any
18 employee of the Secretary of State who gives or causes to
19 be given away any confidential information concerning any
20 criminal charges and their disposition of an applicant
21 shall be guilty of a Class A misdemeanor unless release of
22 such information is authorized by this Section;

23 (c) Pass such examination as the Secretary of State
24 shall require on (1) traffic laws, (2) safe driving
25 practices, (3) operation of motor vehicles, and (4)
26 qualifications of teacher;

1 (d) Be physically able to operate safely a motor
2 vehicle and to train others in the operation of motor
3 vehicles. An instructors license application must be
4 accompanied by a medical examination report completed by a
5 competent physician licensed to practice in the State of
6 Illinois;

7 (e) Hold a valid Illinois drivers license;

8 (f) Have graduated from an accredited high school after
9 at least 4 years of high school education or the
10 equivalent; and

11 (g) Pay to the Secretary of State an application and
12 license fee of \$70.

13 If a driver training school class room instructor teaches
14 an approved driver education course, as defined in Section
15 1-103 of this Code, to students under 18 years of age, he or
16 she shall furnish to the Secretary of State a certificate
17 issued by the State Board of Education that the said instructor
18 is qualified and meets the minimum educational standards for
19 teaching driver education courses in the local public or
20 parochial school systems, except that no State Board of
21 Education certification shall be required of any instructor who
22 teaches exclusively in a commercial driving school. On and
23 after July 1, 1986, the existing rules and regulations of the
24 State Board of Education concerning commercial driving schools
25 shall continue to remain in effect but shall be administered by
26 the Secretary of State until such time as the Secretary of

1 State shall amend or repeal the rules in accordance with the
2 Illinois Administrative Procedure Act. Upon request, the
3 Secretary of State shall issue a certificate of completion to a
4 student under 18 years of age who has completed an approved
5 driver education course at a commercial driving school.

6 (Source: P.A. 95-331, eff. 8-21-07; 96-740, eff. 1-1-10;
7 96-962, eff. 7-2-10.)

8 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (f) (Blank).

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

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

2 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11.)

3 Section 99. Effective date. Sec. 5.5 of Section 5 and
4 Section 3-821 of Sec. 10 of this Act take effect January 1,
5 2013. The remainder of this Act takes effect upon becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 15 ILCS 305/5.5

4 15 ILCS 305/6b new

5 625 ILCS 5/3-821 from Ch. 95 1/2, par. 3-821

6 625 ILCS 5/6-102 from Ch. 95 1/2, par. 6-102

7 625 ILCS 5/6-107 from Ch. 95 1/2, par. 6-107

8 625 ILCS 5/6-201

9 625 ILCS 5/6-402 from Ch. 95 1/2, par. 6-402

10 625 ILCS 5/6-411 from Ch. 95 1/2, par. 6-411

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