

SB1500



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1500

Introduced 2/9/2011, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-514

from Ch. 95 1/2, par. 6-514

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning commercial driver's licenses.

LRB097 06976 HEP 47069 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 6-514 as follows:

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

7 Sec. 6-514. Commercial Driver's License (CDL) -
8 Disqualifications.

9 (a) A person shall be disqualified from driving a
10 commercial motor vehicle for a period of not less than 12
11 months for the ~~the~~ first violation of:

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

17 (2) Operating a commercial motor vehicle while the
18 alcohol concentration of the person's blood, breath or
19 urine is at least 0.04, or any amount of a drug, substance,
20 or compound in the person's blood or urine resulting from
21 the unlawful use or consumption of cannabis listed in the
22 Cannabis Control Act, a controlled substance listed in the
23 Illinois Controlled Substances Act, or methamphetamine as

1 listed in the Methamphetamine Control and Community
2 Protection Act as indicated by a police officer's sworn
3 report or other verified evidence; or operating a
4 non-commercial motor vehicle while the alcohol
5 concentration of the person's blood, breath, or urine was
6 above the legal limit defined in Section 11-501.1 or
7 11-501.8 or any amount of a drug, substance, or compound in
8 the person's blood or urine resulting from the unlawful use
9 or consumption of cannabis listed in the Cannabis Control
10 Act, a controlled substance listed in the Illinois
11 Controlled Substances Act, or methamphetamine as listed in
12 the Methamphetamine Control and Community Protection Act
13 as indicated by a police officer's sworn report or other
14 verified evidence while holding a commercial driver's
15 license; or

16 (3) Conviction for a first violation of:

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

22 (ii) Knowingly leaving the scene of an accident
23 while operating a commercial motor vehicle or, if the
24 driver is a CDL holder, while driving a non-CMV; or

25 (iii) Driving a commercial motor vehicle or, if the
26 driver is a CDL holder, driving a non-CMV while

1 committing any felony; or

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

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

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

24 If any of the above violations or refusals occurred
25 while transporting hazardous material(s) required to be
26 placarded, the person shall be disqualified for a period of

1 not less than 3 years.

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

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

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

23 (e) A person is disqualified from driving a commercial
24 motor vehicle for a period of not less than 2 months if
25 convicted of 2 serious traffic violations, committed in a
26 commercial motor vehicle, non-CMV while holding a CDL, or any

1 combination thereof, arising from separate incidents,
2 occurring within a 3 year period, provided the serious traffic
3 violation committed in a non-CMV would result in the suspension
4 or revocation of the CDL holder's non-CMV privileges. However,
5 a person will be disqualified from driving a commercial motor
6 vehicle for a period of not less than 4 months if convicted of
7 3 serious traffic violations, committed in a commercial motor
8 vehicle, non-CMV while holding a CDL, or any combination
9 thereof, arising from separate incidents, occurring within a 3
10 year period, provided the serious traffic violation committed
11 in a non-CMV would result in the suspension or revocation of
12 the CDL holder's non-CMV privileges. If all the convictions
13 occurred in a non-CMV, the disqualification shall be entered
14 only if the convictions would result in the suspension or
15 revocation of the CDL holder's non-CMV privileges.

16 (e-1) (Blank).

17 (f) Notwithstanding any other provision of this Code, any
18 driver disqualified from operating a commercial motor vehicle,
19 pursuant to this UCDLA, shall not be eligible for restoration
20 of commercial driving privileges during any such period of
21 disqualification.

22 (g) After suspending, revoking, or cancelling a commercial
23 driver's license, the Secretary of State must update the
24 driver's records to reflect such action within 10 days. After
25 suspending or revoking the driving privilege of any person who
26 has been issued a CDL or commercial driver instruction permit

1 from another jurisdiction, the Secretary shall originate
2 notification to such issuing jurisdiction within 10 days.

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

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

9 (1) For 6 months upon a first conviction of paragraph
10 (2) of subsection (b) or subsection (b-3) of Section 6-507
11 of this Code.

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

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

26 (4) For one year upon a first conviction of paragraph

1 (3) of subsection (b) or subsection (b-5) of Section 6-507
2 of this Code.

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

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

16 (j) Disqualification for railroad-highway grade crossing
17 violation.

18 (1) General rule. A driver who is convicted of a
19 violation of a federal, State, or local law or regulation
20 pertaining to one of the following 6 offenses at a
21 railroad-highway grade crossing must be disqualified from
22 operating a commercial motor vehicle for the period of time
23 specified in paragraph (2) of this subsection (j) if the
24 offense was committed while operating a commercial motor
25 vehicle:

26 (i) For drivers who are not required to always

1 stop, failing to slow down and check that the tracks
2 are clear of an approaching train or railroad track
3 equipment, as described in subsection (a-5) of Section
4 11-1201 of this Code;

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

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

12 (iv) For all drivers, failing to have sufficient
13 space to drive completely through the crossing without
14 stopping, as described in subsection (b) of Section
15 11-1425 of this Code;

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

20 (vi) For all drivers, failing to negotiate a
21 crossing because of insufficient undercarriage
22 clearance, as described in subsection (d-1) of Section
23 11-1201 of this Code.

24 (2) Duration of disqualification for railroad-highway
25 grade crossing violation.

26 (i) First violation. A driver must be disqualified

1 from operating a commercial motor vehicle for not less
2 than 60 days if the driver is convicted of a violation
3 described in paragraph (1) of this subsection (j) and,
4 in the three-year period preceding the conviction, the
5 driver had no convictions for a violation described in
6 paragraph (1) of this subsection (j).

7 (ii) Second violation. A driver must be
8 disqualified from operating a commercial motor vehicle
9 for not less than 120 days if the driver is convicted
10 of a violation described in paragraph (1) of this
11 subsection (j) and, in the three-year period preceding
12 the conviction, the driver had one other conviction for
13 a violation described in paragraph (1) of this
14 subsection (j) that was committed in a separate
15 incident.

16 (iii) Third or subsequent violation. A driver must
17 be disqualified from operating a commercial motor
18 vehicle for not less than one year if the driver is
19 convicted of a violation described in paragraph (1) of
20 this subsection (j) and, in the three-year period
21 preceding the conviction, the driver had 2 or more
22 other convictions for violations described in
23 paragraph (1) of this subsection (j) that were
24 committed in separate incidents.

25 (k) Upon notification of a disqualification of a driver's
26 commercial motor vehicle privileges imposed by the U.S.

1 Department of Transportation, Federal Motor Carrier Safety
2 Administration, in accordance with 49 C.F.R. 383.52, the
3 Secretary of State shall immediately record to the driving
4 record the notice of disqualification and confirm to the driver
5 the action that has been taken.

6 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10;
7 96-1080, eff. 7-16-10; 96-1244, eff. 1-1-11; revised 9-2-10.)