

**97TH GENERAL ASSEMBLY****State of Illinois****2011 and 2012****SB3452**

Introduced 2/7/2012, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that police officers who confiscate certain driver documents shall return them or cause them to be returned to the Secretary of State. Relocates provisions concerning registration plate covers and provides that a registration plate on a motorcycle may be mounted vertically, with conditions. Provides that a person who sells or advertises the sale of registration plate covers shall be guilty of a business offense. Provides that a person may not modify a vehicle's original mounting location so as to hinder a peace officer from obtaining the registration; that a person who does so is guilty of a Class A misdemeanor; and that the Secretary of State may suspend the driving privileges of a person who violates the new provisions. Adds concealing or altering a vehicle's license plate to the list of aggravating factors for fleeing or attempting to elude a peace officer. Provides that the owner of a vehicle involved in a commission of aggravated fleeing or attempting to elude a peace officer must, upon request, provide the name of the operator of the vehicle at the time of the offense and provides penalties for noncompliance. Provides that a police officer may order the removal of a vehicle that has had its registration suspended, cancelled, or revoked. Provides that the handlebars of a motorcycle may not be higher than the height of the operator's head and that the operator must keep at least one hand on the handlebars at all times the motorcycle is in motion. Provides that a person commits aggravated operating a motorcycle, motor driven cycle, or moped on one wheel when he or she operates on one wheel while speeding. Provides that a first violation of aggravated operating a motorcycle, motor driven cycle, or moped on one wheel is a petty offense with a minimum fine of \$1,000, a second violation is a Class A misdemeanor with a minimum fine of \$2,500, and a third or subsequent violation is a Class 4 felony with a minimum fine of \$5,000. Provides that motorcycles and motor-driven cycles may be equipped with a red or amber stop lamp on the rear of the vehicle that flashes and becomes steady only when the brake is actuated.

LRB097 15085 HEP 60180 b

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 Sections 2-111, 3-400, 3-413, 3-704, 6-205, 6-206, 11-204.1,
6 11-1302, 11-1403, 11-1403.2, and 12-208 as follows:

7 (625 ILCS 5/2-111) (from Ch. 95 1/2, par. 2-111)

8 Sec. 2-111. Seizure or confiscation of documents and
9 plates.

10 (a) The Secretary of State is authorized to take possession
11 of any certificate of title, registration card, permit,
12 license, registration plate, plates, disability license plate
13 or parking decal or device, or registration sticker issued by
14 him upon expiration, revocation, cancellation or suspension
15 thereof, or which is fictitious, or which has been unlawfully
16 or erroneously issued. Police officers who have reasonable
17 grounds to believe that any item or items listed in this
18 Section should be seized shall take possession of the items and
19 return them or cause them to be returned to ~~request~~ the
20 Secretary of State ~~to take possession of such item or items.~~

21 (b) The Secretary of State is authorized to confiscate any
22 suspected fraudulent, fictitious, or altered documents
23 submitted by an applicant in support of an application for a

1 driver's license or permit.

2 (Source: P.A. 93-895, eff. 1-1-05; 94-619, eff. 1-1-06.)

3 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

4 Sec. 3-400. Definition. Notwithstanding the definition set
5 forth in Chapter 1 of this Act, for the purposes of this
6 Article, the following words shall have the meaning ascribed to
7 them as follows:

8 "Apportionable Fee" means any periodic recurring fee
9 required for licensing or registering vehicles, such as, but
10 not limited to, registration fees, license or weight fees.

11 "Apportionable Vehicle" means any vehicle, except
12 recreational vehicles, vehicles displaying restricted plates,
13 city pickup and delivery vehicles, buses used in transportation
14 of chartered parties, and government owned vehicles that are
15 used or intended for use in 2 or more member jurisdictions that
16 allocate or proportionally register vehicles, in a fleet which
17 is used for the transportation of persons for hire or the
18 transportation of property and which has a gross vehicle weight
19 in excess of 26,000 pounds; or has three or more axles
20 regardless of weight; or is used in combination when the weight
21 of such combination exceeds 26,000 pounds gross vehicle weight.
22 Vehicles, or combinations having a gross vehicle weight of
23 26,000 pounds or less and two-axle vehicles may be
24 proportionally registered at the option of such owner.

25 "Base Jurisdiction" means, for purposes of fleet

1 registration, the jurisdiction where the registrant has an
2 established place of business, where operational records of the
3 fleet are maintained and where mileage is accrued by the fleet.
4 In case a registrant operates more than one fleet, and
5 maintains records for each fleet in different places, the "base
6 jurisdiction" for a fleet shall be the jurisdiction where an
7 established place of business is maintained, where records of
8 the operation of that fleet are maintained and where mileage is
9 accrued by that fleet.

10 "Operational Records" means documents supporting miles
11 traveled in each jurisdiction and total miles traveled, such as
12 fuel reports, trip leases, and logs.

13 Owner. A person who holds legal title of a motor vehicle,
14 or in the event a motor vehicle is the subject of an agreement
15 for the conditional sale or lease thereof with the right of
16 purchase upon performance of the conditions stated in the
17 agreement and with an immediate right of possession vested in
18 the conditional vendee or lessee with right of purchase, or in
19 the event a mortgagor of such motor vehicle is entitled to
20 possession, or in the event a lessee of such motor vehicle is
21 entitled to possession or control, then such conditional vendee
22 or lessee with right of purchase or mortgagor or lessee is
23 considered to be the owner for the purpose of this Act.

24 "Registration plate cover" means any tinted, colored,
25 painted, marked, clear, or illuminated object that is designed
26 to (i) cover any of the characters of a motor vehicle's

1 registration plate; or (ii) distort a recorded image of any of
2 the characters of a motor vehicle's registration plate recorded
3 by an automated enforcement system as defined in Section
4 11-208.6 or 11-1201.1 of this Code or recorded by an automated
5 traffic control system as defined in Section 15 of the
6 Automated Traffic Control Systems in Highway Construction or
7 Maintenance Zones Act.

8 "Rental Owner" means an owner principally engaged, with
9 respect to one or more rental fleets, in renting to others or
10 offering for rental the vehicles of such fleets, without
11 drivers.

12 "Restricted Plates" shall include but are not limited to
13 dealer, manufacturer, transporter, farm, reposessor, and
14 permanently mounted type plates. Vehicles displaying any of
15 these type plates from a foreign jurisdiction that is a member
16 of the International Registration Plan shall be granted
17 reciprocity but shall be subject to the same limitations as
18 similar plated Illinois registered vehicles.

19 (Source: P.A. 89-571, eff. 7-26-96; 90-89, eff. 1-1-98.)

20 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

21 Sec. 3-413. Display of registration plates, registration
22 stickers, and drive-away permits; registration plate covers.

23 (a) Registration plates issued for a motor vehicle other
24 than a motorcycle, trailer, semitrailer, truck-tractor,
25 apportioned bus, or apportioned truck shall be attached

1 thereto, one in the front and one in the rear. The registration
2 plate issued for a motorcycle, trailer or semitrailer required
3 to be registered hereunder and any apportionment plate issued
4 to a bus under the provisions of this Code shall be attached to
5 the rear thereof. The registration plate issued for a
6 truck-tractor or an apportioned truck required to be registered
7 hereunder shall be attached to the front thereof.

8 (b) Every registration plate shall at all times be securely
9 fastened in a horizontal position to the vehicle for which it
10 is issued so as to prevent the plate from swinging and at a
11 height of not less than 5 inches from the ground, measuring
12 from the bottom of such plate, in a place and position to be
13 clearly visible and shall be maintained in a condition to be
14 clearly legible, free from any materials that would obstruct
15 the visibility of the plate, ~~including, but not limited to,~~
16 ~~glass covers and plastic covers.~~ A registration plate on a
17 motorcycle may be mounted vertically as long as it is otherwise
18 clearly visible. Registration stickers issued as evidence of
19 renewed annual registration shall be attached to registration
20 plates as required by the Secretary of State, and be clearly
21 visible at all times.

22 (c) Every drive-away permit issued pursuant to this Code
23 shall be firmly attached to the motor vehicle in the manner
24 prescribed by the Secretary of State. If a drive-away permit is
25 affixed to a motor vehicle in any other manner the permit shall
26 be void and of no effect.

1 (d) The Illinois prorated decal issued to a foreign
2 registered vehicle part of a fleet prorated or apportioned with
3 Illinois, shall be displayed on a registration plate and
4 displayed on the front of such vehicle in the same manner as an
5 Illinois registration plate.

6 (e) The registration plate issued for a camper body mounted
7 on a truck displaying registration plates shall be attached to
8 the rear of the camper body.

9 (f) No person shall operate a vehicle, nor permit the
10 operation of a vehicle, upon which is displayed an Illinois
11 registration plate, plates or registration stickers after the
12 termination of the registration period for which issued or
13 after the expiration date set pursuant to Sections 3-414 and
14 3-414.1 of this Code.

15 (g) A person may not operate any motor vehicle that is
16 equipped with registration plate covers. A violation of this
17 subsection (g) or a similar provision of a local ordinance is
18 an offense against laws and ordinances regulating the movement
19 of traffic.

20 (h) A person may not sell or offer for sale a registration
21 plate cover. A violation of this subsection (h) is a business
22 offense.

23 (i) A person may not advertise for the purpose of promoting
24 the sale of registration plate covers. A violation of this
25 subsection (i) is a business offense.

26 (j) A person may not modify the original manufacturer's

1 mounting location of the rear registration plate on any vehicle
2 so as to conceal the registration or to knowingly cause it to
3 be obstructed in an effort to hinder a peace officer from
4 obtaining the registration for the enforcement of a violation
5 of this Code, Section 27.1 of the Toll Highway Act concerning
6 toll evasion, or any municipal ordinance. Modifications
7 prohibited by this subsection (j) include but are not limited
8 to the use of an electronic device. A violation of this
9 subsection (j) is a Class A misdemeanor.

10 (Source: P.A. 95-29, eff. 6-1-08; 95-331, eff. 8-21-07.)

11 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

12 Sec. 3-704. Authority of Secretary of State to suspend or
13 revoke a registration or certificate of title; authority to
14 suspend or revoke the registration of a vehicle.

15 (a) The Secretary of State may suspend or revoke the
16 registration of a vehicle or a certificate of title,
17 registration card, registration sticker, registration plate,
18 disability parking decal or device, or any nonresident or other
19 permit in any of the following events:

20 1. When the Secretary of State is satisfied that such
21 registration or that such certificate, card, plate,
22 registration sticker or permit was fraudulently or
23 erroneously issued;

24 2. When a registered vehicle has been dismantled or
25 wrecked or is not properly equipped;

1 3. When the Secretary of State determines that any
2 required fees have not been paid to the Secretary of State,
3 to the Illinois Commerce Commission, or to the Illinois
4 Department of Revenue under the Motor Fuel Tax Law, and the
5 same are not paid upon reasonable notice and demand;

6 4. When a registration card, registration plate,
7 registration sticker or permit is knowingly displayed upon
8 a vehicle other than the one for which issued;

9 5. When the Secretary of State determines that the
10 owner has committed any offense under this Chapter
11 involving the registration or the certificate, card,
12 plate, registration sticker or permit to be suspended or
13 revoked;

14 6. When the Secretary of State determines that a
15 vehicle registered not-for-hire is used or operated
16 for-hire unlawfully, or used or operated for purposes other
17 than those authorized;

18 7. When the Secretary of State determines that an owner
19 of a for-hire motor vehicle has failed to give proof of
20 financial responsibility as required by this Act;

21 8. When the Secretary determines that the vehicle is
22 not subject to or eligible for a registration;

23 9. When the Secretary determines that the owner of a
24 vehicle registered under the mileage weight tax option
25 fails to maintain the records specified by law, or fails to
26 file the reports required by law, or that such vehicle is

1 not equipped with an operable and operating speedometer or
2 odometer;

3 10. When the Secretary of State is so authorized under
4 any other provision of law;

5 11. When the Secretary of State determines that the
6 holder of a disability parking decal or device has
7 committed any offense under Chapter 11 of this Code
8 involving the use of a disability parking decal or device.

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

15 (b) The Secretary of State may suspend or revoke the
16 registration of a vehicle as follows:

17 1. When the Secretary of State determines that the
18 owner of a vehicle has not paid a civil penalty or a
19 settlement agreement arising from the violation of rules
20 adopted under the Illinois Motor Carrier Safety Law or the
21 Illinois Hazardous Materials Transportation Act or that a
22 vehicle, regardless of ownership, was the subject of
23 violations of these rules that resulted in a civil penalty
24 or settlement agreement which remains unpaid.

25 2. When the Secretary of State determines that a
26 vehicle registered for a gross weight of more than 16,000

1 pounds within an affected area is not in compliance with
2 the provisions of Section 13-109.1 of the Illinois Vehicle
3 Code.

4 3. When the Secretary of State is notified by the
5 United States Department of Transportation that a vehicle
6 is in violation of the Federal Motor Carrier Safety
7 Regulations, as they are now or hereafter amended, and is
8 prohibited from operating.

9 4. When the Secretary of State is notified by a State's
10 Attorney or other designated person that the owner or
11 operator of a vehicle has failed to properly provide a
12 written statement as required by subsection (d) of Section
13 11-204.1 of this Code. The suspension of registration under
14 this paragraph (4) of subsection (b) shall be for a period
15 of one year.

16 (c) The Secretary of State may suspend the registration of
17 a vehicle when a court finds that the vehicle was used in a
18 violation of Section 24-3A of the Criminal Code of 1961
19 relating to gunrunning. A suspension of registration under this
20 subsection (c) may be for a period of up to 90 days.

21 (Source: P.A. 97-540, eff. 1-1-12.)

22 (625 ILCS 5/6-206)

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

25 (a) The Secretary of State is authorized to suspend or

1 revoke the driving privileges of any person without preliminary
2 hearing upon a showing of the person's records or other
3 sufficient evidence that the person:

4 1. Has committed an offense for which mandatory
5 revocation of a driver's license or permit is required upon
6 conviction;

7 2. Has been convicted of not less than 3 offenses
8 against traffic regulations governing the movement of
9 vehicles committed within any 12 month period. No
10 revocation or suspension shall be entered more than 6
11 months after the date of last conviction;

12 3. Has been repeatedly involved as a driver in motor
13 vehicle collisions or has been repeatedly convicted of
14 offenses against laws and ordinances regulating the
15 movement of traffic, to a degree that indicates lack of
16 ability to exercise ordinary and reasonable care in the
17 safe operation of a motor vehicle or disrespect for the
18 traffic laws and the safety of other persons upon the
19 highway;

20 4. Has by the unlawful operation of a motor vehicle
21 caused or contributed to an accident resulting in injury
22 requiring immediate professional treatment in a medical
23 facility or doctor's office to any person, except that any
24 suspension or revocation imposed by the Secretary of State
25 under the provisions of this subsection shall start no
26 later than 6 months after being convicted of violating a

1 law or ordinance regulating the movement of traffic, which
2 violation is related to the accident, or shall start not
3 more than one year after the date of the accident,
4 whichever date occurs later;

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

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

11 7. Has refused or failed to submit to an examination
12 provided for by Section 6-207 or has failed to pass the
13 examination;

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

16 9. Has made a false statement or knowingly concealed a
17 material fact or has used false information or
18 identification in any application for a license,
19 identification card, or permit;

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

23 11. Has operated a motor vehicle upon a highway of this
24 State when the person's driving privilege or privilege to
25 obtain a driver's license or permit was revoked or
26 suspended unless the operation was authorized by a

1 monitoring device driving permit, judicial driving permit
2 issued prior to January 1, 2009, probationary license to
3 drive, or a restricted driving permit issued under this
4 Code;

5 12. Has submitted to any portion of the application
6 process for another person or has obtained the services of
7 another person to submit to any portion of the application
8 process for the purpose of obtaining a license,
9 identification card, or permit for some other person;

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

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

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

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

22 17. Has refused to submit to a test, or tests, as
23 required under Section 11-501.1 of this Code and the person
24 has not sought a hearing as provided for in Section
25 11-501.1;

26 18. Has, since issuance of a driver's license or

1 permit, been adjudged to be afflicted with or suffering
2 from any mental disability or disease;

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

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

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

12 22. Has used a motor vehicle in violating paragraph
13 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
14 the Criminal Code of 1961 relating to unlawful use of
15 weapons, in which case the suspension shall be for one
16 year;

17 23. Has, as a driver, been convicted of committing a
18 violation of paragraph (a) of Section 11-502 of this Code
19 for a second or subsequent time within one year of a
20 similar violation;

21 24. Has been convicted by a court-martial or punished
22 by non-judicial punishment by military authorities of the
23 United States at a military installation in Illinois of or
24 for a traffic related offense that is the same as or
25 similar to an offense specified under Section 6-205 or
26 6-206 of this Code;

1 25. Has permitted any form of identification to be used
2 by another in the application process in order to obtain or
3 attempt to obtain a license, identification card, or
4 permit;

5 26. Has altered or attempted to alter a license or has
6 possessed an altered license, identification card, or
7 permit;

8 27. Has violated Section 6-16 of the Liquor Control Act
9 of 1934;

10 28. Has been convicted of the illegal possession, while
11 operating or in actual physical control, as a driver, of a
12 motor vehicle, of any controlled substance prohibited
13 under the Illinois Controlled Substances Act, any cannabis
14 prohibited under the Cannabis Control Act, or any
15 methamphetamine prohibited under the Methamphetamine
16 Control and Community Protection Act, in which case the
17 person's driving privileges shall be suspended for one
18 year, and any driver who is convicted of a second or
19 subsequent offense, within 5 years of a previous
20 conviction, for the illegal possession, while operating or
21 in actual physical control, as a driver, of a motor
22 vehicle, of any controlled substance prohibited under the
23 Illinois Controlled Substances Act, any cannabis
24 prohibited under the Cannabis Control Act, or any
25 methamphetamine prohibited under the Methamphetamine
26 Control and Community Protection Act shall be suspended for

1 5 years. Any defendant found guilty of this offense while
2 operating a motor vehicle, shall have an entry made in the
3 court record by the presiding judge that this offense did
4 occur while the defendant was operating a motor vehicle and
5 order the clerk of the court to report the violation to the
6 Secretary of State;

7 29. Has been convicted of the following offenses that
8 were committed while the person was operating or in actual
9 physical control, as a driver, of a motor vehicle: criminal
10 sexual assault, predatory criminal sexual assault of a
11 child, aggravated criminal sexual assault, criminal sexual
12 abuse, aggravated criminal sexual abuse, juvenile pimping,
13 soliciting for a juvenile prostitute, promoting juvenile
14 prostitution as described in subdivision (a) (1), (a) (2),
15 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961,
16 and the manufacture, sale or delivery of controlled
17 substances or instruments used for illegal drug use or
18 abuse in which case the driver's driving privileges shall
19 be suspended for one year;

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

24 31. Has refused to submit to a test as required by
25 Section 11-501.6 or has submitted to a test resulting in an
26 alcohol concentration of 0.08 or more or any amount of a

1 drug, substance, or compound resulting from the unlawful
2 use or consumption of cannabis as listed in the Cannabis
3 Control Act, a controlled substance as listed in the
4 Illinois Controlled Substances Act, an intoxicating
5 compound as listed in the Use of Intoxicating Compounds
6 Act, or methamphetamine as listed in the Methamphetamine
7 Control and Community Protection Act, in which case the
8 penalty shall be as prescribed in Section 6-208.1;

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

14 33. Has as a driver, who was less than 21 years of age
15 on the date of the offense, been convicted a first time of
16 a violation of paragraph (a) of Section 11-502 of this Code
17 or a similar provision of a local ordinance;

18 34. Has committed a violation of Section 11-1301.5 of
19 this Code;

20 35. Has committed a violation of Section 11-1301.6 of
21 this Code;

22 36. Is under the age of 21 years at the time of arrest
23 and has been convicted of not less than 2 offenses against
24 traffic regulations governing the movement of vehicles
25 committed within any 24 month period. No revocation or
26 suspension shall be entered more than 6 months after the

1 date of last conviction;

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

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

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

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

12 41. Has committed a second or subsequent violation of
13 Section 11-605.1 of this Code, a similar provision of a
14 local ordinance, or a similar violation in any other state
15 within 2 years of the date of the previous violation, in
16 which case the suspension shall be for 90 days;

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

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

24 44. Is under the age of 21 years at the time of arrest
25 and has been convicted of an offense against traffic
26 regulations governing the movement of vehicles after

1 having previously had his or her driving privileges
2 suspended or revoked pursuant to subparagraph 36 of this
3 Section; ~~or~~

4 45. Has, in connection with or during the course of a
5 formal hearing conducted under Section 2-118 of this Code:
6 (i) committed perjury; (ii) submitted fraudulent or
7 falsified documents; (iii) submitted documents that have
8 been materially altered; or (iv) submitted, as his or her
9 own, documents that were in fact prepared or composed for
10 another person; or -

11 46. Has committed a violation of subsection (k) of
12 Section 3-413 of this Code.

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

20 (b) If any conviction forming the basis of a suspension or
21 revocation authorized under this Section is appealed, the
22 Secretary of State may rescind or withhold the entry of the
23 order of suspension or revocation, as the case may be, provided
24 that a certified copy of a stay order of a court is filed with
25 the Secretary of State. If the conviction is affirmed on
26 appeal, the date of the conviction shall relate back to the

1 time the original judgment of conviction was entered and the 6
2 month limitation prescribed shall not apply.

3 (c) 1. Upon suspending or revoking the driver's license or
4 permit of any person as authorized in this Section, the
5 Secretary of State shall immediately notify the person in
6 writing of the revocation or suspension. The notice to be
7 deposited in the United States mail, postage prepaid, to the
8 last known address of the person.

9 2. If the Secretary of State suspends the driver's
10 license of a person under subsection 2 of paragraph (a) of
11 this Section, a person's privilege to operate a vehicle as
12 an occupation shall not be suspended, provided an affidavit
13 is properly completed, the appropriate fee received, and a
14 permit issued prior to the effective date of the
15 suspension, unless 5 offenses were committed, at least 2 of
16 which occurred while operating a commercial vehicle in
17 connection with the driver's regular occupation. All other
18 driving privileges shall be suspended by the Secretary of
19 State. Any driver prior to operating a vehicle for
20 occupational purposes only must submit the affidavit on
21 forms to be provided by the Secretary of State setting
22 forth the facts of the person's occupation. The affidavit
23 shall also state the number of offenses committed while
24 operating a vehicle in connection with the driver's regular
25 occupation. The affidavit shall be accompanied by the
26 driver's license. Upon receipt of a properly completed

1 affidavit, the Secretary of State shall issue the driver a
2 permit to operate a vehicle in connection with the driver's
3 regular occupation only. Unless the permit is issued by the
4 Secretary of State prior to the date of suspension, the
5 privilege to drive any motor vehicle shall be suspended as
6 set forth in the notice that was mailed under this Section.
7 If an affidavit is received subsequent to the effective
8 date of this suspension, a permit may be issued for the
9 remainder of the suspension period.

10 The provisions of this subparagraph shall not apply to
11 any driver required to possess a CDL for the purpose of
12 operating a commercial motor vehicle.

13 Any person who falsely states any fact in the affidavit
14 required herein shall be guilty of perjury under Section
15 6-302 and upon conviction thereof shall have all driving
16 privileges revoked without further rights.

17 3. At the conclusion of a hearing under Section 2-118
18 of this Code, the Secretary of State shall either rescind
19 or continue an order of revocation or shall substitute an
20 order of suspension; or, good cause appearing therefor,
21 rescind, continue, change, or extend the order of
22 suspension. If the Secretary of State does not rescind the
23 order, the Secretary may upon application, to relieve undue
24 hardship (as defined by the rules of the Secretary of
25 State), issue a restricted driving permit granting the
26 privilege of driving a motor vehicle between the

1 petitioner's residence and petitioner's place of
2 employment or within the scope of the petitioner's
3 employment related duties, or to allow the petitioner to
4 transport himself or herself, or a family member of the
5 petitioner's household to a medical facility, to receive
6 necessary medical care, to allow the petitioner to
7 transport himself or herself to and from alcohol or drug
8 remedial or rehabilitative activity recommended by a
9 licensed service provider, or to allow the petitioner to
10 transport himself or herself or a family member of the
11 petitioner's household to classes, as a student, at an
12 accredited educational institution, or to allow the
13 petitioner to transport children, elderly persons, or
14 disabled persons who do not hold driving privileges and are
15 living in the petitioner's household to and from daycare.
16 The petitioner must demonstrate that no alternative means
17 of transportation is reasonably available and that the
18 petitioner will not endanger the public safety or welfare.
19 Those multiple offenders identified in subdivision (b)4 of
20 Section 6-208 of this Code, however, shall not be eligible
21 for the issuance of a restricted driving permit.

22 (A) If a person's license or permit is revoked or
23 suspended due to 2 or more convictions of violating
24 Section 11-501 of this Code or a similar provision of a
25 local ordinance or a similar out-of-state offense, or
26 Section 9-3 of the Criminal Code of 1961, where the use

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

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

11 (i) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense
14 or Section 9-3 of the Criminal Code of 1961, where
15 the use of alcohol or other drugs is recited as an
16 element of the offense, or a similar out-of-state
17 offense; or

18 (ii) a statutory summary suspension or
19 revocation under Section 11-501.1; or

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

25 (C) The person issued a permit conditioned upon the
26 use of an ignition interlock device must pay to the

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

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

12 (E) In each case the Secretary may issue a
13 restricted driving permit for a period deemed
14 appropriate, except that all permits shall expire
15 within one year from the date of issuance. The
16 Secretary may not, however, issue a restricted driving
17 permit to any person whose current revocation is the
18 result of a second or subsequent conviction for a
19 violation of Section 11-501 of this Code or a similar
20 provision of a local ordinance or any similar
21 out-of-state offense, or Section 9-3 of the Criminal
22 Code of 1961, where the use of alcohol or other drugs
23 is recited as an element of the offense, or any similar
24 out-of-state offense, or any combination of those
25 offenses, until the expiration of at least one year
26 from the date of the revocation. A restricted driving

1 permit issued under this Section shall be subject to
2 cancellation, revocation, and suspension by the
3 Secretary of State in like manner and for like cause as
4 a driver's license issued under this Code may be
5 cancelled, revoked, or suspended; except that a
6 conviction upon one or more offenses against laws or
7 ordinances regulating the movement of traffic shall be
8 deemed sufficient cause for the revocation,
9 suspension, or cancellation of a restricted driving
10 permit. The Secretary of State may, as a condition to
11 the issuance of a restricted driving permit, require
12 the applicant to participate in a designated driver
13 remedial or rehabilitative program. The Secretary of
14 State is authorized to cancel a restricted driving
15 permit if the permit holder does not successfully
16 complete the program.

17 (c-3) In the case of a suspension under paragraph 43 of
18 subsection (a), reports received by the Secretary of State
19 under this Section shall, except during the actual time the
20 suspension is in effect, be privileged information and for use
21 only by the courts, police officers, prosecuting authorities,
22 the driver licensing administrator of any other state, the
23 Secretary of State, or the parent or legal guardian of a driver
24 under the age of 18. However, beginning January 1, 2008, if the
25 person is a CDL holder, the suspension shall also be made
26 available to the driver licensing administrator of any other

1 state, the U.S. Department of Transportation, and the affected
2 driver or motor carrier or prospective motor carrier upon
3 request.

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

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

16 (d) This Section is subject to the provisions of the
17 Drivers License Compact.

18 (e) The Secretary of State shall not issue a restricted
19 driving permit to a person under the age of 16 years whose
20 driving privileges have been suspended or revoked under any
21 provisions of this Code.

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

1 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
2 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
3 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
4 eff. 8-12-11; revised 9-15-11.)

5 (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

6 Sec. 11-204.1. Aggravated fleeing or attempting to elude a
7 peace officer.

8 (a) The offense of aggravated fleeing or attempting to
9 elude a peace officer is committed by any driver or operator of
10 a motor vehicle who flees or attempts to elude a peace officer,
11 after being given a visual or audible signal by a peace officer
12 in the manner prescribed in subsection (a) of Section 11-204 of
13 this Code, and such flight or attempt to elude:

14 (1) is at a rate of speed at least 21 miles per hour
15 over the legal speed limit;

16 (2) causes bodily injury to any individual;

17 (3) causes damage in excess of \$300 to property; ~~or~~

18 (4) involves disobedience of 2 or more official traffic
19 control devices; or ~~or~~

20 (5) involves the concealing or altering of the
21 vehicle's registration plate.

22 (b) Any person convicted of a first violation of this
23 Section shall be guilty of a Class 4 felony. Upon notice of
24 such a conviction the Secretary of State shall forthwith revoke
25 the driver's license of the person so convicted, as provided in

1 Section 6-205 of this Code. Any person convicted of a second or
2 subsequent violation of this Section shall be guilty of a Class
3 3 felony, and upon notice of such a conviction the Secretary of
4 State shall forthwith revoke the driver's license of the person
5 convicted, as provided in Section 6-205 of the Code.

6 (c) The motor vehicle used in a violation of this Section
7 is subject to seizure and forfeiture as provided in Sections
8 36-1 and 36-2 of the Criminal Code of 1961.

9 (d) The owner of a vehicle involved in an alleged violation
10 of subsection (a) of this Section shall, upon appropriate
11 demand by the State's Attorney or other designated person
12 acting in response to a signed complaint, provide a written
13 statement or deposition identifying the operator of the vehicle
14 at the time of the alleged violation. Failure to supply the
15 information within 30 days may result in the suspension of the
16 vehicle registration for a period of one year under Section
17 3-704 of this Code. If the owner has assigned control of the
18 use of the vehicle to another person, that person shall comply
19 with this subsection and be subject to same penalties provided
20 by this subsection.

21 (Source: P.A. 96-328, eff. 8-11-09.)

22 (625 ILCS 5/11-1302) (from Ch. 95 1/2, par. 11-1302)

23 Sec. 11-1302. Officers authorized to remove vehicles. (a)
24 Whenever any police officer finds a vehicle in violation of any
25 of the provisions of Section 11-1301 such officer is hereby

1 authorized to move such vehicle, or require the driver or other
2 person in charge of the vehicle to move the same, to a position
3 off the roadway.

4 (b) Any police officer is hereby authorized to remove or
5 cause to be removed to a place of safety any unattended vehicle
6 illegally left standing upon any highway, bridge, causeway, or
7 in a tunnel, in such a position or under such circumstances as
8 to obstruct the normal movement of traffic.

9 Whenever the Department finds an abandoned or disabled
10 vehicle standing upon the paved or main-traveled part of a
11 highway, which vehicle is or may be expected to interrupt the
12 free flow of traffic on the highway or interfere with the
13 maintenance of the highway, the Department is authorized to
14 move the vehicle to a position off the paved or improved or
15 main-traveled part of the highway.

16 (c) Any police officer is hereby authorized to remove or
17 cause to be removed to the nearest garage or other place of
18 safety any vehicle found upon a highway when:

19 1. Report has been made that such vehicle has been stolen
20 or taken without the consent of its owner, or

21 2. The person or persons in charge of such vehicle are
22 unable to provide for its custody or removal, or

23 3. When the person driving or in control of such vehicle is
24 arrested for an alleged offense for which the officer is
25 required by law to take the person arrested before a proper
26 magistrate without unnecessary delay, or -

1 4. When the registration of the vehicle has been suspended,
2 cancelled, or revoked.

3 (Source: P.A. 79-1069.)

4 (625 ILCS 5/11-1403) (from Ch. 95 1/2, par. 11-1403)

5 Sec. 11-1403. Riding on motorcycles. (a) A person operating
6 a motorcycle shall ride only upon the permanent and regular
7 seat attached thereto, and such operator shall not carry any
8 other person nor shall any other person ride on a motorcycle
9 unless such motorcycle is designed to carry more than one
10 person, in which event a passenger may ride upon the permanent
11 and regular seat if designed for 2 persons, or upon another
12 seat firmly attached to the motorcycle at the rear or side of
13 the operator.

14 (b) A person shall ride upon a motorcycle only while
15 sitting astride the seat, facing forward, with one leg on each
16 side of the motorcycle.

17 (c) No person shall operate any motorcycle with handlebars
18 higher than the height of the head ~~shoulders~~ of the operator
19 when the operator is seated in the normal driving position
20 astride that portion of the seat or saddle occupied by the
21 operator.

22 (d) The operator of any motorcycle shall keep at least one
23 hand on the handlebars at all times the motorcycle is in
24 motion.

25 (Source: P.A. 84-602.)

1 (625 ILCS 5/11-1403.2) (from Ch. 95 1/2, par. 11-1403.2)

2 Sec. 11-1403.2. Operating a motorcycle, motor driven
3 cycle, or moped on one wheel; aggravated operating a
4 motorcycle, motor driven cycle, or moped on one wheel.

5 (a) No person shall operate a motorcycle, motor driven
6 cycle, or moped on one wheel.

7 (b) Aggravated operating a motorcycle, motor driven cycle,
8 or moped on one wheel. A person commits aggravated operating a
9 motorcycle, motor driven cycle, or moped on one wheel when he
10 or she violates subsection (a) of this Section while committing
11 a violation of subsection (b) of Section 11-601 of this Code. A
12 first violation of this subsection is a petty offense with a
13 minimum fine of \$1,000. A second violation of this subsection
14 is a Class A misdemeanor with a minimum fine of \$2,500. A third
15 or subsequent violation of this subsection is a Class 4 felony
16 with a minimum fine of \$5,000.

17 (Source: P.A. 96-554, eff. 1-1-10.)

18 (625 ILCS 5/12-208) (from Ch. 95 1/2, par. 12-208)

19 Sec. 12-208. Signal lamps and signal devices.

20 (a) Every vehicle other than an antique vehicle displaying
21 an antique plate or an expanded-use antique vehicle displaying
22 expanded-use antique vehicle plates operated in this State
23 shall be equipped with a stop lamp or lamps on the rear of the
24 vehicle which shall display a red or amber light visible from a

1 distance of not less than 500 feet to the rear in normal
2 sunlight and which shall be actuated upon application of the
3 service (foot) brake, and which may but need not be
4 incorporated with other rear lamps. During times when lighted
5 lamps are not required, an antique vehicle or an expanded-use
6 antique vehicle may be equipped with a stop lamp or lamps on
7 the rear of such vehicle of the same type originally installed
8 by the manufacturer as original equipment and in working order.
9 However, at all other times, except as provided in subsection
10 (a-1), such antique vehicle or expanded-use antique vehicle
11 must be equipped with stop lamps meeting the requirements of
12 Section 12-208 of this Act.

13 (a-1) An antique vehicle or an expanded-use antique
14 vehicle, including an antique motorcycle, may display a blue
15 light or lights of up to one inch in diameter as part of the
16 vehicle's rear stop lamp or lamps.

17 (b) Every motor vehicle other than an antique vehicle
18 displaying an antique plate or an expanded-use antique vehicle
19 displaying expanded-use antique vehicle plates shall be
20 equipped with an electric turn signal device which shall
21 indicate the intention of the driver to turn to the right or to
22 the left in the form of flashing lights located at and showing
23 to the front and rear of the vehicle on the side of the vehicle
24 toward which the turn is to be made. The lamps showing to the
25 front shall be mounted on the same level and as widely spaced
26 laterally as practicable and, when signaling, shall emit a

1 white or amber light, or any shade of light between white and
2 amber. The lamps showing to the rear shall be mounted on the
3 same level and as widely spaced laterally as practicable and,
4 when signaling, shall emit a red or amber light. An antique
5 vehicle or expanded-use antique vehicle shall be equipped with
6 a turn signal device of the same type originally installed by
7 the manufacturer as original equipment and in working order.

8 (c) Every trailer and semitrailer shall be equipped with an
9 electric turn signal device which indicates the intention of
10 the driver in the power unit to turn to the right or to the left
11 in the form of flashing red or amber lights located at the rear
12 of the vehicle on the side toward which the turn is to be made
13 and mounted on the same level and as widely spaced laterally as
14 practicable.

15 (d) Turn signal lamps must be visible from a distance of
16 not less than 300 feet in normal sunlight.

17 (e) Motorcycles and motor-driven cycles need not be
18 equipped with electric turn signals. Antique vehicles and
19 expanded-use antique vehicles need not be equipped with turn
20 signals unless such were installed by the manufacturer as
21 original equipment.

22 (f) (Blank).

23 (g) Motorcycles and motor-driven cycles may be equipped
24 with a stop lamp or lamps on the rear of the vehicle that
25 display a red or amber light, visible from a distance of not
26 less than 500 feet to the rear in normal sunlight, that flashes

1 and becomes steady only when the brake is actuated.

2 (Source: P.A. 96-487, eff. 1-1-10; 97-412, eff. 1-1-12.)

3 (625 ILCS 5/12-610.5 rep.)

4 Section 10. The Illinois Vehicle Code is amended by
5 repealing Section 12-610.5.

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625 ILCS 5/3-413 from Ch. 95 1/2, par. 3-413

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625 ILCS 5/3-704 from Ch. 95 1/2, par. 3-704

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625 ILCS 5/12-610.5 rep.