



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4386

by Rep. Lawrence M. Walsh, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-500	from Ch. 95 1/2, par. 6-500
625 ILCS 5/6-506	from Ch. 95 1/2, par. 6-506
625 ILCS 5/6-514	from Ch. 95 1/2, par. 6-514
625 ILCS 5/6-518	from Ch. 95 1/2, par. 6-518
P.A. 98-176, Sec. 99	

Amends the Illinois Vehicle Code. Provides that the definition of "medical examiner" shall be changed to mean an individual certified by the Federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners in accordance with Federal Motor Carrier Safety Regulations. Defines "foreign commercial driver" as a person licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country that operates a commercial motor vehicle in the United States. Expands the definition of "imminent hazard" to include any condition of a vehicle, employee, or commercial motor vehicle operations that substantially increases the likelihood of serious injury or death. Provides that an employer or commercial motor vehicle owner shall not allow or require an employee to drive a commercial motor vehicle if he or she knows or should reasonably know (rather than just knowingly) that the employee has (1) had their license suspended, revoked, or cancelled by any state; (2) has lost the privilege to operate a commercial motor vehicle in any state; (3) has been disqualified from driving a commercial motor vehicle; (4) has more than one driver's license except as provided by the Uniform Commercial Driver's License Act; or (5) is subject to or in violation of an "out-of-service" order. Provides that foreign commercial drivers are subject to disqualification. Provides that the Secretary of State shall report convictions of traffic violations by a foreign driver's license holder to that driver's licensing authority. Provides that Public Act 98-176 shall not take effect until July 8, 2015 (rather than July 1, 2014). Effective immediately.

LRB098 16892 MLW 51967 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 6-500, 6-506, 6-514, and 6-518 as follows:

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

7 (Text of Section before amendment by P.A. 98-176)

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

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

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

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

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

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

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

23 Alcohol tests administered within 2 hours of the driver

1 being "stopped or detained" shall be considered that driver's
2 "alcohol concentration" for the purposes of enforcing this
3 UCCLA.

4 (3) (Blank).

5 (4) (Blank).

6 (5) (Blank).

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

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

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

20 (A) a state allows the driver to change his or her
21 self-certification to interstate, but operating
22 exclusively in transportation or operation excepted from
23 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
24 391.2, 391.68, or 398.3;

25 (B) a state allows the driver to change his or her
26 self-certification to intrastate only, if the driver

1 qualifies under that state's physical qualification
2 requirements for intrastate only;

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

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

9 (6) Commercial Motor Vehicle.

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

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

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

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

25 (B) Pursuant to the interpretation of the Commercial
26 Motor Vehicle Safety Act of 1986 by the Federal Highway

1 Administration, the definition of "commercial motor
2 vehicle" does not include:

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

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

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

24 (7) Controlled Substance. "Controlled substance" shall
25 have the same meaning as defined in Section 102 of the Illinois
26 Controlled Substances Act, and shall also include cannabis as

1 defined in Section 3 of the Cannabis Control Act and
2 methamphetamine as defined in Section 10 of the Methamphetamine
3 Control and Community Protection Act.

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

16 (8.5) Day. "Day" means calendar day.

17 (9) (Blank).

18 (10) (Blank).

19 (11) (Blank).

20 (12) (Blank).

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

26 (13.5) Driver applicant. "Driver applicant" means an

1 individual who applies to a state to obtain, transfer, upgrade,
2 or renew a CDL.

3 (13.8) Electronic device. "Electronic device" includes,
4 but is not limited to, a cellular telephone, personal digital
5 assistant, pager, computer, or any other device used to input,
6 write, send, receive, or read text.

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

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

18 (15.3) Excepted interstate. "Excepted interstate" means a
19 person who operates or expects to operate in interstate
20 commerce, but engages exclusively in transportation or
21 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
22 398.3 from all or part of the qualification requirements of 49
23 C.F.R. Part 391 and is not required to obtain a medical
24 examiner's certificate by 49 C.F.R. 391.45.

25 (15.5) Excepted intrastate. "Excepted intrastate" means a
26 person who operates in intrastate commerce but engages

1 exclusively in transportation or operations excepted from all
2 or parts of the state driver qualification requirements.

3 (16) (Blank).

4 (16.5) Fatality. "Fatality" means the death of a person as
5 a result of a motor vehicle accident.

6 (16.7) Foreign commercial driver. "Foreign commercial
7 driver" means a person licensed to operate a commercial motor
8 vehicle by an authority outside the United States, or a citizen
9 of a foreign country who operates a commercial motor vehicle in
10 the United States.

11 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
12 sovereign jurisdiction that does not fall within the definition
13 of "State".

14 (18) (Blank).

15 (19) (Blank).

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

21 (20.5) Imminent Hazard. "Imminent hazard" means the
22 existence of any ~~+~~ condition of a vehicle, employee, or
23 commercial motor vehicle operations that substantially
24 increases the ~~presents a substantial~~ likelihood of that death,
25 ~~serious illness, severe personal injury,~~ or death if not
26 discontinued immediately; or a condition relating to hazardous

1 material that presents a substantial likelihood that death,
2 serious illness, severe personal injury, or a substantial
3 endangerment to health, property, or the environment may occur
4 before the reasonably foreseeable completion date of a formal
5 proceeding begun to lessen the risk of that death, illness,
6 injury or endangerment.

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

10 (21.1) Medical examiner. "Medical examiner" means an
11 individual certified by the Federal Motor Carrier Safety
12 Administration and listed on the National Registry of Certified
13 Medical Examiners in accordance with Federal Motor Carrier
14 Safety Regulations, 49 CFR 390.101 et seq ~~a person who is~~
15 ~~licensed, certified, or registered in accordance with~~
16 ~~applicable state laws and regulations to perform physical~~
17 ~~examinations. The term includes but is not limited to doctors~~
18 ~~of medicine, doctors of osteopathy, physician assistants,~~
19 ~~advanced practice nurses, and doctors of chiropractic.~~

20 (21.2) Medical examiner's certificate. "Medical examiner's
21 certificate" means a document prescribed or approved by the
22 Secretary of State that is issued by a medical examiner to a
23 driver to medically qualify him or her to drive.

24 (21.5) Medical variance. "Medical variance" means a driver
25 has received one of the following from the Federal Motor
26 Carrier Safety Administration which allows the driver to be

1 issued a medical certificate: (1) an exemption letter
2 permitting operation of a commercial motor vehicle pursuant to
3 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
4 skill performance evaluation (SPE) certificate permitting
5 operation of a commercial motor vehicle pursuant to 49 C.F.R.
6 391.49.

7 (21.7) Mobile telephone. "Mobile telephone" means a mobile
8 communication device that falls under or uses any commercial
9 mobile radio service, as defined in regulations of the Federal
10 Communications Commission, 47 CFR 20.3. It does not include
11 two-way or citizens band radio services.

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

17 (22.2) Motor vehicle record. "Motor vehicle record" means a
18 report of the driving status and history of a driver generated
19 from the driver record provided to users, such as drivers or
20 employers, and is subject to the provisions of the Driver
21 Privacy Protection Act, 18 U.S.C. 2721-2725.

22 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
23 combination of motor vehicles not defined by the term
24 "commercial motor vehicle" or "CMV" in this Section.

25 (22.7) Non-excepted interstate. "Non-excepted interstate"
26 means a person who operates or expects to operate in interstate

1 commerce, is subject to and meets the qualification
2 requirements under 49 C.F.R. Part 391, and is required to
3 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

4 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
5 means a person who operates only in intrastate commerce and is
6 subject to State driver qualification requirements.

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

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

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

16 (24) (Blank).

17 (25) (Blank).

18 (25.5) Railroad-Highway Grade Crossing Violation.
19 "Railroad-highway grade crossing violation" means a violation,
20 while operating a commercial motor vehicle, of any of the
21 following:

22 (A) Section 11-1201, 11-1202, or 11-1425 of this
23 Code.

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

26 (25.7) School Bus. "School bus" means a commercial motor

1 vehicle used to transport pre-primary, primary, or secondary
2 school students from home to school, from school to home, or to
3 and from school-sponsored events. "School bus" does not include
4 a bus used as a common carrier.

5 (26) Serious Traffic Violation. "Serious traffic
6 violation" means:

7 (A) a conviction when operating a commercial motor
8 vehicle, or when operating a non-CMV while holding a CDL,
9 of:

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

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

14 (iii) a violation of any State law or local
15 ordinance relating to motor vehicle traffic control
16 (other than parking violations) arising in connection
17 with a fatal traffic accident; or

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

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

22 (vi) a violation relating to improper or erratic
23 traffic lane changes; or

24 (vii) a violation relating to following another
25 vehicle too closely; or

26 (viii) a violation relating to texting while

1 driving; or

2 (ix) a violation relating to the use of a hand-held
3 mobile telephone while driving; or

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

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

11 (28) (Blank).

12 (29) (Blank).

13 (30) (Blank).

14 (31) (Blank).

15 (32) Texting. "Texting" means manually entering
16 alphanumeric text into, or reading text from, an electronic
17 device.

18 (1) Texting includes, but is not limited to, short
19 message service, emailing, instant messaging, a command or
20 request to access a World Wide Web page, pressing more than
21 a single button to initiate or terminate a voice
22 communication using a mobile telephone, or engaging in any
23 other form of electronic text retrieval or entry for
24 present or future communication.

25 (2) Texting does not include:

26 (i) inputting, selecting, or reading information

1 on a global positioning system or navigation system; or

2 (ii) pressing a single button to initiate or
3 terminate a voice communication using a mobile
4 telephone; or

5 (iii) using a device capable of performing
6 multiple functions (for example, a fleet management
7 system, dispatching device, smart phone, citizens band
8 radio, or music player) for a purpose that is not
9 otherwise prohibited by Part 392 of the Federal Motor
10 Carrier Safety Regulations.

11 (33) Use a hand-held mobile telephone. "Use a hand-held
12 mobile telephone" means:

13 (1) using at least one hand to hold a mobile telephone
14 to conduct a voice communication;

15 (2) dialing or answering a mobile telephone by pressing
16 more than a single button; or

17 (3) reaching for a mobile telephone in a manner that
18 requires a driver to maneuver so that he or she is no
19 longer in a seated driving position, restrained by a seat
20 belt that is installed in accordance with 49 CFR 393.93 and
21 adjusted in accordance with the vehicle manufacturer's
22 instructions.

23 (Source: P.A. 97-208, eff. 1-1-12; 97-750, eff. 7-6-12; 97-829,
24 eff. 1-1-13; 98-463, eff. 8-16-13.)

25 (Text of Section after amendment by P.A. 98-176)

1 Sec. 6-500. Definitions of words and phrases.
2 Notwithstanding the definitions set forth elsewhere in this
3 Code, for purposes of the Uniform Commercial Driver's License
4 Act (UCDLA), the words and phrases listed below have the
5 meanings ascribed to them as follows:

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

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

10 (A) the number of grams of alcohol per 210 liters of
11 breath; or

12 (B) the number of grams of alcohol per 100 milliliters
13 of blood; or

14 (C) the number of grams of alcohol per 67 milliliters
15 of urine.

16 Alcohol tests administered within 2 hours of the driver
17 being "stopped or detained" shall be considered that driver's
18 "alcohol concentration" for the purposes of enforcing this
19 UCDLA.

20 (3) (Blank).

21 (4) (Blank).

22 (5) (Blank).

23 (5.3) CDLIS driver record. "CDLIS driver record" means the
24 electronic record of the individual CDL driver's status and
25 history stored by the State-of-Record as part of the Commercial
26 Driver's License Information System, or CDLIS, established

1 under 49 U.S.C. 31309.

2 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
3 record" or "CDLIS MVR" means a report generated from the CDLIS
4 driver record meeting the requirements for access to CDLIS
5 information and provided by states to users authorized in 49
6 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
7 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

8 (5.7) Commercial driver's license downgrade. "Commercial
9 driver's license downgrade" or "CDL downgrade" means either:

10 (A) a state allows the driver to change his or her
11 self-certification to interstate, but operating
12 exclusively in transportation or operation excepted from
13 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
14 391.2, 391.68, or 398.3;

15 (B) a state allows the driver to change his or her
16 self-certification to intrastate only, if the driver
17 qualifies under that state's physical qualification
18 requirements for intrastate only;

19 (C) a state allows the driver to change his or her
20 certification to intrastate, but operating exclusively in
21 transportation or operations excepted from all or part of
22 the state driver qualification requirements; or

23 (D) a state removes the CDL privilege from the driver
24 license.

25 (6) Commercial Motor Vehicle.

26 (A) "Commercial motor vehicle" or "CMV" means a motor

1 vehicle or combination of motor vehicles used in commerce,
2 except those referred to in subdivision (B), designed to
3 transport passengers or property if the motor vehicle:

4 (i) has a gross combination weight rating or gross
5 combination weight of 11,794 kilograms or more (26,001
6 pounds or more), whichever is greater, inclusive of any
7 towed unit with a gross vehicle weight rating or gross
8 vehicle weight of more than 4,536 kilograms (10,000
9 pounds), whichever is greater; or

10 (i-5) has a gross vehicle weight rating or gross
11 vehicle weight of 11,794 or more kilograms (26,001
12 pounds or more), whichever is greater; or

13 (ii) is designed to transport 16 or more persons,
14 including the driver; or

15 (iii) is of any size and is used in transporting
16 hazardous materials as defined in 49 C.F.R. 383.5.

17 (B) Pursuant to the interpretation of the Commercial
18 Motor Vehicle Safety Act of 1986 by the Federal Highway
19 Administration, the definition of "commercial motor
20 vehicle" does not include:

21 (i) recreational vehicles, when operated primarily
22 for personal use;

23 (ii) vehicles owned by or operated under the
24 direction of the United States Department of Defense or
25 the United States Coast Guard only when operated by
26 non-civilian personnel. This includes any operator on

1 active military duty; members of the Reserves;
2 National Guard; personnel on part-time training; and
3 National Guard military technicians (civilians who are
4 required to wear military uniforms and are subject to
5 the Code of Military Justice); or

6 (iii) firefighting, police, and other emergency
7 equipment (including, without limitation, equipment
8 owned or operated by a HazMat or technical rescue team
9 authorized by a county board under Section 5-1127 of
10 the Counties Code), with audible and visual signals,
11 owned or operated by or for a governmental entity,
12 which is necessary to the preservation of life or
13 property or the execution of emergency governmental
14 functions which are normally not subject to general
15 traffic rules and regulations.

16 (7) Controlled Substance. "Controlled substance" shall
17 have the same meaning as defined in Section 102 of the Illinois
18 Controlled Substances Act, and shall also include cannabis as
19 defined in Section 3 of the Cannabis Control Act and
20 methamphetamine as defined in Section 10 of the Methamphetamine
21 Control and Community Protection Act.

22 (8) Conviction. "Conviction" means an unvacated
23 adjudication of guilt or a determination that a person has
24 violated or failed to comply with the law in a court of
25 original jurisdiction or by an authorized administrative
26 tribunal; an unvacated forfeiture of bail or collateral

1 deposited to secure the person's appearance in court; a plea of
2 guilty or nolo contendere accepted by the court; the payment of
3 a fine or court cost regardless of whether the imposition of
4 sentence is deferred and ultimately a judgment dismissing the
5 underlying charge is entered; or a violation of a condition of
6 release without bail, regardless of whether or not the penalty
7 is rebated, suspended or probated.

8 (8.5) Day. "Day" means calendar day.

9 (9) (Blank).

10 (10) (Blank).

11 (11) (Blank).

12 (12) (Blank).

13 (13) Driver. "Driver" means any person who drives,
14 operates, or is in physical control of a commercial motor
15 vehicle, any person who is required to hold a CDL, or any
16 person who is a holder of a CDL while operating a
17 non-commercial motor vehicle.

18 (13.5) Driver applicant. "Driver applicant" means an
19 individual who applies to a state or other jurisdiction to
20 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
21 a CLP.

22 (13.8) Electronic device. "Electronic device" includes,
23 but is not limited to, a cellular telephone, personal digital
24 assistant, pager, computer, or any other device used to input,
25 write, send, receive, or read text.

26 (14) Employee. "Employee" means a person who is employed as

1 a commercial motor vehicle driver. A person who is
2 self-employed as a commercial motor vehicle driver must comply
3 with the requirements of this UCCLA pertaining to employees. An
4 owner-operator on a long-term lease shall be considered an
5 employee.

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

11 (15.1) Endorsement. "Endorsement" means an authorization
12 to an individual's CLP or CDL required to permit the individual
13 to operate certain types of commercial motor vehicles.

14 (15.3) Excepted interstate. "Excepted interstate" means a
15 person who operates or expects to operate in interstate
16 commerce, but engages exclusively in transportation or
17 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or
18 398.3 from all or part of the qualification requirements of 49
19 C.F.R. Part 391 and is not required to obtain a medical
20 examiner's certificate by 49 C.F.R. 391.45.

21 (15.5) Excepted intrastate. "Excepted intrastate" means a
22 person who operates in intrastate commerce but engages
23 exclusively in transportation or operations excepted from all
24 or parts of the state driver qualification requirements.

25 (16) (Blank).

26 (16.5) Fatality. "Fatality" means the death of a person as

1 a result of a motor vehicle accident.

2 (16.7) Foreign commercial driver. "Foreign commercial
3 driver" means a person licensed to operate a commercial motor
4 vehicle by an authority outside the United States, or a citizen
5 of a foreign country who operates a commercial motor vehicle in
6 the United States.

7 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
8 sovereign jurisdiction that does not fall within the definition
9 of "State".

10 (18) (Blank).

11 (19) (Blank).

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

17 (20.5) Imminent Hazard. "Imminent hazard" means the
18 existence of any a condition of a vehicle, employee, or
19 commercial motor vehicle operations relating to hazardous
20 material that substantially increases the presents a
21 substantial likelihood of that death, serious illness, severe
22 personal injury, or death if not discontinued immediately; or a
23 condition relating to hazardous material that presents a
24 substantial likelihood that death, serious illness, severe
25 personal injury, or a substantial endangerment to health,
26 property, or the environment may occur before the reasonably

1 foreseeable completion date of a formal proceeding begun to
2 lessen the risk of that death, illness, injury or endangerment.

3 (20.6) Issuance. "Issuance" means initial issuance,
4 transfer, renewal, or upgrade of a CLP or CDL and non-domiciled
5 CLP or CDL.

6 (20.7) Issue. "Issue" means initial issuance, transfer,
7 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
8 non-domiciled CDL.

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

12 (21.01) Manual transmission. "Manual transmission" means a
13 transmission utilizing a driver-operated clutch that is
14 activated by a pedal or lever and a gear-shift mechanism
15 operated either by hand or foot including those known as a
16 stick shift, stick, straight drive, or standard transmission.
17 All other transmissions, whether semi-automatic or automatic,
18 shall be considered automatic for the purposes of the
19 standardized restriction code.

20 (21.1) Medical examiner. "Medical examiner" means an
21 individual certified by the Federal Motor Carrier Safety
22 Administration and listed on the National Registry of Certified
23 Medical Examiners in accordance with Federal Motor Carrier
24 Safety Regulations, 49 CFR 390.101 et seq ~~a person who is~~
25 ~~licensed, certified, or registered in accordance with~~
26 ~~applicable state laws and regulations to perform physical~~

1 ~~examinations. The term includes but is not limited to doctors~~
2 ~~of medicine, doctors of osteopathy, physician assistants,~~
3 ~~advanced practice nurses, and doctors of chiropractic.~~

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

8 (21.5) Medical variance. "Medical variance" means a driver
9 has received one of the following from the Federal Motor
10 Carrier Safety Administration which allows the driver to be
11 issued a medical certificate: (1) an exemption letter
12 permitting operation of a commercial motor vehicle pursuant to
13 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
14 skill performance evaluation (SPE) certificate permitting
15 operation of a commercial motor vehicle pursuant to 49 C.F.R.
16 391.49.

17 (21.7) Mobile telephone. "Mobile telephone" means a mobile
18 communication device that falls under or uses any commercial
19 mobile radio service, as defined in regulations of the Federal
20 Communications Commission, 47 CFR 20.3. It does not include
21 two-way or citizens band radio services.

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

1 (22.2) Motor vehicle record. "Motor vehicle record" means a
2 report of the driving status and history of a driver generated
3 from the driver record provided to users, such as drivers or
4 employers, and is subject to the provisions of the Driver
5 Privacy Protection Act, 18 U.S.C. 2721-2725.

6 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
7 combination of motor vehicles not defined by the term
8 "commercial motor vehicle" or "CMV" in this Section.

9 (22.7) Non-excepted interstate. "Non-excepted interstate"
10 means a person who operates or expects to operate in interstate
11 commerce, is subject to and meets the qualification
12 requirements under 49 C.F.R. Part 391, and is required to
13 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

14 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
15 means a person who operates only in intrastate commerce and is
16 subject to State driver qualification requirements.

17 (23) Non-domiciled CLP or Non-domiciled CDL.
18 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
19 respectively, issued by a state or other jurisdiction under
20 either of the following two conditions:

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

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

1 (24) (Blank).

2 (25) (Blank).

3 (25.5) Railroad-Highway Grade Crossing Violation.

4 "Railroad-highway grade crossing violation" means a violation,
5 while operating a commercial motor vehicle, of any of the
6 following:

7 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

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

10 (25.7) School Bus. "School bus" means a commercial motor
11 vehicle used to transport pre-primary, primary, or secondary
12 school students from home to school, from school to home, or to
13 and from school-sponsored events. "School bus" does not include
14 a bus used as a common carrier.

15 (26) Serious Traffic Violation. "Serious traffic
16 violation" means:

17 (A) a conviction when operating a commercial motor
18 vehicle, or when operating a non-CMV while holding a CLP or
19 CDL, of:

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

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

24 (iii) a violation of any State law or local
25 ordinance relating to motor vehicle traffic control
26 (other than parking violations) arising in connection

1 with a fatal traffic accident; or
2 (iv) a violation of Section 6-501, relating to
3 having multiple driver's licenses; or
4 (v) a violation of paragraph (a) of Section 6-507,
5 relating to the requirement to have a valid CDL; or
6 (vi) a violation relating to improper or erratic
7 traffic lane changes; or
8 (vii) a violation relating to following another
9 vehicle too closely; or
10 (viii) a violation relating to texting while
11 driving; or
12 (ix) a violation relating to the use of a hand-held
13 mobile telephone while driving; or
14 (B) any other similar violation of a law or local
15 ordinance of any state relating to motor vehicle traffic
16 control, other than a parking violation, which the
17 Secretary of State determines by administrative rule to be
18 serious.

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

21 (28) (Blank).

22 (29) (Blank).

23 (30) (Blank).

24 (31) (Blank).

25 (32) Texting. "Texting" means manually entering
26 alphanumeric text into, or reading text from, an electronic

1 device.

2 (1) Texting includes, but is not limited to, short
3 message service, emailing, instant messaging, a command or
4 request to access a World Wide Web page, pressing more than
5 a single button to initiate or terminate a voice
6 communication using a mobile telephone, or engaging in any
7 other form of electronic text retrieval or entry for
8 present or future communication.

9 (2) Texting does not include:

10 (i) inputting, selecting, or reading information
11 on a global positioning system or navigation system; or

12 (ii) pressing a single button to initiate or
13 terminate a voice communication using a mobile
14 telephone; or

15 (iii) using a device capable of performing
16 multiple functions (for example, a fleet management
17 system, dispatching device, smart phone, citizens band
18 radio, or music player) for a purpose that is not
19 otherwise prohibited by Part 392 of the Federal Motor
20 Carrier Safety Regulations.

21 (32.3) Third party skills test examiner. "Third party
22 skills test examiner" means a person employed by a third party
23 tester who is authorized by the State to administer the CDL
24 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

25 (32.5) Third party tester. "Third party tester" means a
26 person (including, but not limited to, another state, a motor

1 carrier, a private driver training facility or other private
2 institution, or a department, agency, or instrumentality of a
3 local government) authorized by the State to employ skills test
4 examiners to administer the CDL skills tests specified in 49
5 C.F.R. Part 383, subparts G and H.

6 (32.7) United States. "United States" means the 50 states
7 and the District of Columbia.

8 (33) Use a hand-held mobile telephone. "Use a hand-held
9 mobile telephone" means:

10 (1) using at least one hand to hold a mobile telephone
11 to conduct a voice communication;

12 (2) dialing or answering a mobile telephone by pressing
13 more than a single button; or

14 (3) reaching for a mobile telephone in a manner that
15 requires a driver to maneuver so that he or she is no
16 longer in a seated driving position, restrained by a seat
17 belt that is installed in accordance with 49 CFR 393.93 and
18 adjusted in accordance with the vehicle manufacturer's
19 instructions.

20 (Source: P.A. 97-208, eff. 1-1-12; 97-750, eff. 7-6-12; 97-829,
21 eff. 1-1-13; 98-176, eff. 7-1-14; 98-463, eff. 8-16-13.)

22 (625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)

23 (Text of Section before amendment by P.A. 98-176)

24 Sec. 6-506. Commercial motor vehicle driver -
25 employer/owner responsibilities.

1 (a) No employer or commercial motor vehicle owner shall
2 ~~knowingly~~ allow, permit, authorize, or require an employee to
3 drive a commercial motor vehicle on the highways if he or she
4 knows or should reasonably know that the ~~during any period in~~
5 ~~which such~~ employee:

6 (1) has a driver's license suspended, revoked or
7 cancelled by any state; or

8 (2) has lost the privilege to drive a commercial motor
9 vehicle in any state; or

10 (3) has been disqualified from driving a commercial
11 motor vehicle; or

12 (4) has more than one driver's license, except as
13 provided by this UCCLA; or

14 (5) is subject to or in violation of an
15 "out-of-service" order.

16 (b) No employer or commercial motor vehicle owner shall
17 knowingly allow, permit, authorize, or require a driver to
18 operate a commercial motor vehicle in violation of any law or
19 regulation pertaining to railroad-highway grade crossings.

20 (b-3) No employer or commercial motor vehicle owner shall
21 knowingly allow, permit, authorize, or require a driver to
22 operate a commercial motor vehicle during any period in which
23 the commercial motor vehicle is subject to an "out-of-service"
24 order.

25 (b-5) No employer or commercial motor vehicle owner shall
26 knowingly allow, permit, authorize, or require a driver to

1 operate a commercial motor vehicle during any period in which
2 the motor carrier operation is subject to an "out-of-service"
3 order.

4 (c) Any employer convicted of violating subsection (a),
5 (b-3), or (b-5) of this Section, whether individually or in
6 connection with one or more other persons, or as principal
7 agent, or accessory, shall be guilty of a Class A misdemeanor.
8 (Source: P.A. 95-382, eff. 8-23-07.)

9 (Text of Section after amendment by P.A. 98-176)

10 Sec. 6-506. Commercial motor vehicle driver -
11 employer/owner responsibilities.

12 (a) No employer or commercial motor vehicle owner shall
13 ~~knowingly~~ allow, permit, authorize, or require an employee to
14 drive a commercial motor vehicle on the highways if he or she
15 knows or should reasonably know that the ~~during any period in~~
16 ~~which such~~ employee:

17 (1) has a driver's license suspended, revoked or
18 cancelled by any state; or

19 (2) has lost the privilege to drive a commercial motor
20 vehicle in any state; or

21 (3) has been disqualified from driving a commercial
22 motor vehicle; or

23 (4) has more than one CLP or CDL, except as provided by
24 this UCDLA; or

25 (5) is subject to or in violation of an

1 "out-of-service" order; or

2 (6) does not have a current CLP or CDL or a CLP or CDL
3 with the proper class or endorsements. An employer may not
4 use a driver to operate a CMV who violates any restriction
5 on the driver's CLP or CDL.

6 (b) No employer or commercial motor vehicle owner shall
7 knowingly allow, permit, authorize, or require a driver to
8 operate a commercial motor vehicle in violation of any law or
9 regulation pertaining to railroad-highway grade crossings.

10 (b-3) No employer or commercial motor vehicle owner shall
11 knowingly allow, permit, authorize, or require a driver to
12 operate a commercial motor vehicle during any period in which
13 the commercial motor vehicle is subject to an "out-of-service"
14 order.

15 (b-5) No employer or commercial motor vehicle owner shall
16 knowingly allow, permit, authorize, or require a driver to
17 operate a commercial motor vehicle during any period in which
18 the motor carrier operation is subject to an "out-of-service"
19 order.

20 (c) Any employer convicted of violating subsection (a),
21 (b-3), or (b-5) of this Section, whether individually or in
22 connection with one or more other persons, or as principal
23 agent, or accessory, shall be guilty of a Class A misdemeanor.

24 (Source: P.A. 98-176, eff. 7-1-14.)

25 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

1 (Text of Section before amendment by P.A. 98-176)

2 Sec. 6-514. Commercial driver's license (CDL); commercial
3 learner's permit (CLP); disqualifications. ~~Commercial Driver's~~
4 ~~License (CDL) - Disqualifications.~~

5 (a) A person shall be disqualified from driving a
6 commercial motor vehicle for a period of not less than 12
7 months for the first violation of:

8 (1) Refusing to submit to or failure to complete a test
9 or tests authorized under Section 11-501.1 while driving a
10 commercial motor vehicle or, if the driver is a CDL holder,
11 while driving a non-CMV; or

12 (2) Operating a commercial motor vehicle while the
13 alcohol concentration of the person's blood, breath or
14 urine is at least 0.04, or any amount of a drug, substance,
15 or compound in the person's blood or urine resulting from
16 the unlawful use or consumption of cannabis listed in the
17 Cannabis Control Act, a controlled substance listed in the
18 Illinois Controlled Substances Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community
20 Protection Act as indicated by a police officer's sworn
21 report or other verified evidence; or operating a
22 non-commercial motor vehicle while the alcohol
23 concentration of the person's blood, breath, or urine was
24 above the legal limit defined in Section 11-501.1 or
25 11-501.8 or any amount of a drug, substance, or compound in
26 the person's blood or urine resulting from the unlawful use

1 or consumption of cannabis listed in the Cannabis Control
2 Act, a controlled substance listed in the Illinois
3 Controlled Substances Act, or methamphetamine as listed in
4 the Methamphetamine Control and Community Protection Act
5 as indicated by a police officer's sworn report or other
6 verified evidence while holding a commercial driver's
7 license; or

8 (3) Conviction for a first violation of:

9 (i) Driving a commercial motor vehicle or, if the
10 driver is a CDL holder, driving a non-CMV while under
11 the influence of alcohol, or any other drug, or
12 combination of drugs to a degree which renders such
13 person incapable of safely driving; or

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

17 (iii) Driving a commercial motor vehicle or, if the
18 driver is a CDL holder, driving a non-CMV while
19 committing any felony; or

20 (iv) Driving a commercial motor vehicle while the
21 person's driving privileges or driver's license or
22 permit is revoked, suspended, or cancelled or the
23 driver is disqualified from operating a commercial
24 motor vehicle; or

25 (v) Causing a fatality through the negligent
26 operation of a commercial motor vehicle, including but

1 not limited to the crimes of motor vehicle
2 manslaughter, homicide by a motor vehicle, and
3 negligent homicide.

4 As used in this subdivision (a)(3)(v), "motor
5 vehicle manslaughter" means the offense of involuntary
6 manslaughter if committed by means of a vehicle;
7 "homicide by a motor vehicle" means the offense of
8 first degree murder or second degree murder, if either
9 offense is committed by means of a vehicle; and
10 "negligent homicide" means reckless homicide under
11 Section 9-3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 and aggravated driving under the
13 influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any combination
15 thereof under subdivision (d)(1)(F) of Section 11-501
16 of this Code.

17 If any of the above violations or refusals occurred
18 while transporting hazardous material(s) required to be
19 placarded, the person shall be disqualified for a period of
20 not less than 3 years; or

21 (4) If the person is a qualifying patient licensed
22 under the Compassionate Use of Medical Cannabis Pilot
23 Program Act who is in possession of a valid registry card
24 issued under that Act, operating a commercial motor vehicle
25 under impairment resulting from the consumption of
26 cannabis, as determined by failure of standardized field

1 sobriety tests administered by a law enforcement officer as
2 directed by subsection (a-5) of Section 11-501.2.

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

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

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

24 (e) A person is disqualified from driving a commercial
25 motor vehicle for a period of not less than 2 months if
26 convicted of 2 serious traffic violations, committed in a

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

17 (e-1) (Blank).

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

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

1 has been issued a CDL or commercial driver instruction permit
2 from another jurisdiction, the Secretary shall originate
3 notification to such issuing jurisdiction within 10 days.

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

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

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

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

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

1 (4) For one year upon a first conviction of paragraph
2 (3) of subsection (b) or subsection (b-5) of Section 6-507
3 of this Code.

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

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

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

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

1 (i) For drivers who are not required to always
2 stop, failing to slow down and check that the tracks
3 are clear of an approaching train or railroad track
4 equipment, as described in subsection (a-5) of Section
5 11-1201 of this Code;

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

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

13 (iv) For all drivers, failing to have sufficient
14 space to drive completely through the crossing without
15 stopping, as described in subsection (b) of Section
16 11-1425 of this Code;

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

21 (vi) For all drivers, failing to negotiate a
22 crossing because of insufficient undercarriage
23 clearance, as described in subsection (d-1) of Section
24 11-1201 of this Code.

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

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

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

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

26 (k) Upon notification of a disqualification of a driver's

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

7 (1) A foreign commercial driver is subject to
8 disqualification under this Section.

9 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
10 98-122, eff. 1-1-14.)

11 (Text of Section after amendment by P.A. 98-176)

12 Sec. 6-514. Commercial driver's license (CDL); commercial
13 learner's permit (CLP); disqualifications. ~~Commercial Driver's~~
14 ~~License (CDL) — Disqualifications.~~

15 (a) A person shall be disqualified from driving a
16 commercial motor vehicle for a period of not less than 12
17 months for the first violation of:

18 (1) Refusing to submit to or failure to complete a test
19 or tests authorized under Section 11-501.1 while driving a
20 commercial motor vehicle or, if the driver is a CLP or CDL
21 holder, while driving a non-CMV; or

22 (2) Operating a commercial motor vehicle while the
23 alcohol concentration of the person's blood, breath or
24 urine is at least 0.04, or any amount of a drug, substance,
25 or compound in the person's blood or urine resulting from

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

18 (3) Conviction for a first violation of:

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

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

1 or

2 (iii) Driving a commercial motor vehicle or, if the
3 driver is a CLP or CDL holder, driving a non-CMV while
4 committing any felony; or

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

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

15 As used in this subdivision (a)(3)(v), "motor
16 vehicle manslaughter" means the offense of involuntary
17 manslaughter if committed by means of a vehicle;
18 "homicide by a motor vehicle" means the offense of
19 first degree murder or second degree murder, if either
20 offense is committed by means of a vehicle; and
21 "negligent homicide" means reckless homicide under
22 Section 9-3 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 and aggravated driving under the
24 influence of alcohol, other drug or drugs,
25 intoxicating compound or compounds, or any combination
26 thereof under subdivision (d)(1)(F) of Section 11-501

1 of this Code.

2 If any of the above violations or refusals occurred
3 while transporting hazardous material(s) required to be
4 placarded, the person shall be disqualified for a period of
5 not less than 3 years; or

6 (4) If the person is a qualifying patient licensed
7 under the Compassionate Use of Medical Cannabis Pilot
8 Program Act who is in possession of a valid registry card
9 issued under that Act, operating a commercial motor vehicle
10 under impairment resulting from the consumption of
11 cannabis, as determined by failure of standardized field
12 sobriety tests administered by a law enforcement officer as
13 directed by subsection (a-5) of Section 11-501.2.

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

18 (c) A person is disqualified from driving a commercial
19 motor vehicle for life if the person either (i) uses a
20 commercial motor vehicle in the commission of any felony
21 involving the manufacture, distribution, or dispensing of a
22 controlled substance, or possession with intent to
23 manufacture, distribute or dispense a controlled substance or
24 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the
25 commission of a felony involving any of those activities.

26 (d) The Secretary of State may, when the United States

1 Secretary of Transportation so authorizes, issue regulations
2 in which a disqualification for life under paragraph (b) may be
3 reduced to a period of not less than 10 years. If a reinstated
4 driver is subsequently convicted of another disqualifying
5 offense, as specified in subsection (a) of this Section, he or
6 she shall be permanently disqualified for life and shall be
7 ineligible to again apply for a reduction of the lifetime
8 disqualification.

9 (e) A person is disqualified from driving a commercial
10 motor vehicle for a period of not less than 2 months if
11 convicted of 2 serious traffic violations, committed in a
12 commercial motor vehicle, non-CMV while holding a CLP or CDL,
13 or any combination thereof, arising from separate incidents,
14 occurring within a 3 year period, provided the serious traffic
15 violation committed in a non-CMV would result in the suspension
16 or revocation of the CLP or CDL holder's non-CMV privileges.
17 However, a person will be disqualified from driving a
18 commercial motor vehicle for a period of not less than 4 months
19 if convicted of 3 serious traffic violations, committed in a
20 commercial motor vehicle, non-CMV while holding a CLP or CDL,
21 or any combination thereof, arising from separate incidents,
22 occurring within a 3 year period, provided the serious traffic
23 violation committed in a non-CMV would result in the suspension
24 or revocation of the CLP or CDL holder's non-CMV privileges. If
25 all the convictions occurred in a non-CMV, the disqualification
26 shall be entered only if the convictions would result in the

1 suspension or revocation of the CLP or CDL holder's non-CMV
2 privileges.

3 (e-1) (Blank).

4 (f) Notwithstanding any other provision of this Code, any
5 driver disqualified from operating a commercial motor vehicle,
6 pursuant to this UCCLA, shall not be eligible for restoration
7 of commercial driving privileges during any such period of
8 disqualification.

9 (g) After suspending, revoking, or cancelling a CLP or CDL,
10 the Secretary of State must update the driver's records to
11 reflect such action within 10 days. After suspending or
12 revoking the driving privilege of any person who has been
13 issued a CLP or CDL from another jurisdiction, the Secretary
14 shall originate notification to such issuing jurisdiction
15 within 10 days.

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

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

22 (1) For 6 months upon a first conviction of paragraph
23 (2) of subsection (b) or subsection (b-3) of Section 6-507
24 of this Code.

25 (2) For 2 years upon a second conviction of paragraph
26 (2) of subsection (b) or subsection (b-3) or any

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

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

13 (4) For one year upon a first conviction of paragraph
14 (3) of subsection (b) or subsection (b-5) of Section 6-507
15 of this Code.

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

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

1 conviction is a violation of paragraph (3) of subsection
2 (b) or (b-5).

3 (j) Disqualification for railroad-highway grade crossing
4 violation.

5 (1) General rule. A driver who is convicted of a
6 violation of a federal, State, or local law or regulation
7 pertaining to one of the following 6 offenses at a
8 railroad-highway grade crossing must be disqualified from
9 operating a commercial motor vehicle for the period of time
10 specified in paragraph (2) of this subsection (j) if the
11 offense was committed while operating a commercial motor
12 vehicle:

13 (i) For drivers who are not required to always
14 stop, failing to slow down and check that the tracks
15 are clear of an approaching train or railroad track
16 equipment, as described in subsection (a-5) of Section
17 11-1201 of this Code;

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

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

25 (iv) For all drivers, failing to have sufficient
26 space to drive completely through the crossing without

1 stopping, as described in subsection (b) of Section
2 11-1425 of this Code;

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

7 (vi) For all drivers, failing to negotiate a
8 crossing because of insufficient undercarriage
9 clearance, as described in subsection (d-1) of Section
10 11-1201 of this Code.

11 (2) Duration of disqualification for railroad-highway
12 grade crossing violation.

13 (i) First violation. A driver must be disqualified
14 from operating a commercial motor vehicle for not less
15 than 60 days if the driver is convicted of a violation
16 described in paragraph (1) of this subsection (j) and,
17 in the three-year period preceding the conviction, the
18 driver had no convictions for a violation described in
19 paragraph (1) of this subsection (j).

20 (ii) Second violation. A driver must be
21 disqualified from operating a commercial motor vehicle
22 for not less than 120 days if the driver is convicted
23 of a violation described in paragraph (1) of this
24 subsection (j) and, in the three-year period preceding
25 the conviction, the driver had one other conviction for
26 a violation described in paragraph (1) of this

1 subsection (j) that was committed in a separate
2 incident.

3 (iii) Third or subsequent violation. A driver must
4 be disqualified from operating a commercial motor
5 vehicle for not less than one year if the driver is
6 convicted of a violation described in paragraph (1) of
7 this subsection (j) and, in the three-year period
8 preceding the conviction, the driver had 2 or more
9 other convictions for violations described in
10 paragraph (1) of this subsection (j) that were
11 committed in separate incidents.

12 (k) Upon notification of a disqualification of a driver's
13 commercial motor vehicle privileges imposed by the U.S.
14 Department of Transportation, Federal Motor Carrier Safety
15 Administration, in accordance with 49 C.F.R. 383.52, the
16 Secretary of State shall immediately record to the driving
17 record the notice of disqualification and confirm to the driver
18 the action that has been taken.

19 (l) A foreign commercial driver is subject to
20 disqualification under this Section.

21 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
22 98-122, eff. 1-1-14; 98-176, eff. 7-1-14; revised 8-8-13.)

23 (625 ILCS 5/6-518) (from Ch. 95 1/2, par. 6-518)

24 (Text of Section before amendment by P.A. 98-176)

25 Sec. 6-518. Notification of Traffic Convictions.

1 (a) Within 5 days after receiving a report of an Illinois
2 conviction, or other verified evidence, of any driver who has
3 been issued a CDL by another State or has been issued a foreign
4 commercial driver's license, for a violation of any law or
5 local ordinance of this State, relating to motor vehicle
6 traffic control, other than parking violations, committed in
7 any motor vehicle, the Secretary of State must notify the
8 driver licensing authority which issued such CDL of said
9 conviction.

10 (b) Within 5 days after receiving a report of an Illinois
11 conviction, or other verified evidence, of any driver from
12 another state who is licensed or unlicensed or holds a foreign
13 non-commercial driver's license, for a violation of any law or
14 local ordinance of this State, relating to motor vehicle
15 traffic control, other than parking violations, committed in a
16 commercial motor vehicle, the Secretary of State must notify
17 the driver licensing authority which issued the person's
18 driver's license of the conviction.

19 (Source: P.A. 96-1080, eff. 7-16-10.)

20 (Text of Section after amendment by P.A. 98-176)

21 Sec. 6-518. Notification of Traffic Convictions.

22 (a) Within 5 days after receiving a report of an Illinois
23 conviction, or other verified evidence, of any driver who has
24 been issued a CLP or CDL by another State or has been issued a
25 foreign commercial driver's license, for a violation of any law

1 or local ordinance of this State, relating to motor vehicle
2 traffic control, other than parking violations, committed in
3 any motor vehicle, the Secretary of State must notify the
4 driver licensing authority which issued such CLP or CDL of said
5 conviction.

6 (b) Within 5 days after receiving a report of an Illinois
7 conviction, or other verified evidence, of any driver from
8 another state who is licensed or unlicensed or holds a foreign
9 non-commercial driver's license, for a violation of any law or
10 local ordinance of this State, relating to motor vehicle
11 traffic control, other than parking violations, committed in a
12 commercial motor vehicle, the Secretary of State must notify
13 the driver licensing authority which issued the person's
14 driver's license of the conviction.

15 (Source: P.A. 98-176, eff. 7-1-14.)

16 Section 10. "AN ACT concerning transportation", approved
17 August 5, 2013, (Public Act 98-176) is amended by changing
18 Section 99 as follows:

19 (P.A. 98-176, Sec. 99)

20 Sec. 99. Effective date. This Act takes effect July 8, 2015
21 ~~July 1, 2014~~.

22 (Source: P.A. 98-176.)

23 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 999. Effective date. This Act takes effect upon
8 becoming law.