

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 6-206 as follows:

6 (625 ILCS 5/6-206)

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

9 (a) The Secretary of State is authorized to suspend or  
10 revoke the driving privileges of any person without preliminary  
11 hearing upon a showing of the person's records or other  
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory  
14 revocation of a driver's license or permit is required upon  
15 conviction;

16 2. Has been convicted of not less than 3 offenses  
17 against traffic regulations governing the movement of  
18 vehicles committed within any 12 month period. No  
19 revocation or suspension shall be entered more than 6  
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor  
22 vehicle collisions or has been repeatedly convicted of  
23 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of  
2 ability to exercise ordinary and reasonable care in the  
3 safe operation of a motor vehicle or disrespect for the  
4 traffic laws and the safety of other persons upon the  
5 highway;

6 4. Has by the unlawful operation of a motor vehicle  
7 caused or contributed to an accident resulting in injury  
8 requiring immediate professional treatment in a medical  
9 facility or doctor's office to any person, except that any  
10 suspension or revocation imposed by the Secretary of State  
11 under the provisions of this subsection shall start no  
12 later than 6 months after being convicted of violating a  
13 law or ordinance regulating the movement of traffic, which  
14 violation is related to the accident, or shall start not  
15 more than one year after the date of the accident,  
16 whichever date occurs later;

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

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

23 7. Has refused or failed to submit to an examination  
24 provided for by Section 6-207 or has failed to pass the  
25 examination;

26 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a  
3 material fact or has used false information or  
4 identification in any application for a license,  
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to  
7 fraudulently use any license, identification card, or  
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this  
10 State when the person's driving privilege or privilege to  
11 obtain a driver's license or permit was revoked or  
12 suspended unless the operation was authorized by a  
13 monitoring device driving permit, judicial driving permit  
14 issued prior to January 1, 2009, probationary license to  
15 drive, or a restricted driving permit issued under this  
16 Code;

17 12. Has submitted to any portion of the application  
18 process for another person or has obtained the services of  
19 another person to submit to any portion of the application  
20 process for the purpose of obtaining a license,  
21 identification card, or permit for some other person;

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

25 14. Has committed a violation of Section 6-301,  
26 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B

1 of the Illinois Identification Card Act;

2 15. Has been convicted of violating Section 21-2 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012 relating  
4 to criminal trespass to vehicles in which case, the  
5 suspension shall be for one year;

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

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

12 18. Has, since issuance of a driver's license or  
13 permit, been adjudged to be afflicted with or suffering  
14 from any mental disability or disease;

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

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

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

24 22. Has used a motor vehicle in violating paragraph  
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
26 the Criminal Code of 1961 or the Criminal Code of 2012

1 relating to unlawful use of weapons, in which case the  
2 suspension shall be for one year;

3 23. Has, as a driver, been convicted of committing a  
4 violation of paragraph (a) of Section 11-502 of this Code  
5 for a second or subsequent time within one year of a  
6 similar violation;

7 24. Has been convicted by a court-martial or punished  
8 by non-judicial punishment by military authorities of the  
9 United States at a military installation in Illinois of or  
10 for a traffic related offense that is the same as or  
11 similar to an offense specified under Section 6-205 or  
12 6-206 of this Code;

13 25. Has permitted any form of identification to be used  
14 by another in the application process in order to obtain or  
15 attempt to obtain a license, identification card, or  
16 permit;

17 26. Has altered or attempted to alter a license or has  
18 possessed an altered license, identification card, or  
19 permit;

20 27. Has violated Section 6-16 of the Liquor Control Act  
21 of 1934;

22 28. Has been convicted for a first time of the illegal  
23 possession, while operating or in actual physical control,  
24 as a driver, of a motor vehicle, of any controlled  
25 substance prohibited under the Illinois Controlled  
26 Substances Act, any cannabis prohibited under the Cannabis

1 Control Act, or any methamphetamine prohibited under the  
2 Methamphetamine Control and Community Protection Act, in  
3 which case the person's driving privileges shall be  
4 suspended for one year. Any defendant found guilty of this  
5 offense while operating a motor vehicle, shall have an  
6 entry made in the court record by the presiding judge that  
7 this offense did occur while the defendant was operating a  
8 motor vehicle and order the clerk of the court to report  
9 the violation to the Secretary of State;

10 29. Has been convicted of the following offenses that  
11 were committed while the person was operating or in actual  
12 physical control, as a driver, of a motor vehicle: criminal  
13 sexual assault, predatory criminal sexual assault of a  
14 child, aggravated criminal sexual assault, criminal sexual  
15 abuse, aggravated criminal sexual abuse, juvenile pimping,  
16 soliciting for a juvenile prostitute, promoting juvenile  
17 prostitution as described in subdivision (a)(1), (a)(2),  
18 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961  
19 or the Criminal Code of 2012, and the manufacture, sale or  
20 delivery of controlled substances or instruments used for  
21 illegal drug use or abuse in which case the driver's  
22 driving privileges shall be suspended for one year;

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

1           31. Has refused to submit to a test as required by  
2           Section 11-501.6 of this Code or Section 5-16c of the Boat  
3           Registration and Safety Act or has submitted to a test  
4           resulting in an alcohol concentration of 0.08 or more or  
5           any amount of a drug, substance, or compound resulting from  
6           the unlawful use or consumption of cannabis as listed in  
7           the Cannabis Control Act, a controlled substance as listed  
8           in the Illinois Controlled Substances Act, an intoxicating  
9           compound as listed in the Use of Intoxicating Compounds  
10          Act, or methamphetamine as listed in the Methamphetamine  
11          Control and Community Protection Act, in which case the  
12          penalty shall be as prescribed in Section 6-208.1;

13          32. Has been convicted of Section 24-1.2 of the  
14          Criminal Code of 1961 or the Criminal Code of 2012 relating  
15          to the aggravated discharge of a firearm if the offender  
16          was located in a motor vehicle at the time the firearm was  
17          discharged, in which case the suspension shall be for 3  
18          years;

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

23          34. Has committed a violation of Section 11-1301.5 of  
24          this Code or a similar provision of a local ordinance;

25          35. Has committed a violation of Section 11-1301.6 of  
26          this Code or a similar provision of a local ordinance;

1           36. Is under the age of 21 years at the time of arrest  
2           and has been convicted of not less than 2 offenses against  
3           traffic regulations governing the movement of vehicles  
4           committed within any 24 month period. No revocation or  
5           suspension shall be entered more than 6 months after the  
6           date of last conviction;

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

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

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

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

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

22          42. Has committed a violation of subsection (a-1) of  
23          Section 11-1301.3 of this Code or a similar provision of a  
24          local ordinance;

25          43. Has received a disposition of court supervision for  
26          a violation of subsection (a), (d), or (e) of Section 6-20



1 of the Liquor Control Act of 1934 or a similar provision of  
2 a local ordinance, in which case the suspension shall be  
3 for a period of 3 months;

4 44. Is under the age of 21 years at the time of arrest  
5 and has been convicted of an offense against traffic  
6 regulations governing the movement of vehicles after  
7 having previously had his or her driving privileges  
8 suspended or revoked pursuant to subparagraph 36 of this  
9 Section;

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

17 46. Has committed a violation of subsection (j) of  
18 Section 3-413 of this Code.

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

26 (b) If any conviction forming the basis of a suspension or

1 revocation authorized under this Section is appealed, the  
2 Secretary of State may rescind or withhold the entry of the  
3 order of suspension or revocation, as the case may be, provided  
4 that a certified copy of a stay order of a court is filed with  
5 the Secretary of State. If the conviction is affirmed on  
6 appeal, the date of the conviction shall relate back to the  
7 time the original judgment of conviction was entered and the 6  
8 month limitation prescribed shall not apply.

9 (c) 1. Upon suspending or revoking the driver's license or  
10 permit of any person as authorized in this Section, the  
11 Secretary of State shall immediately notify the person in  
12 writing of the revocation or suspension. The notice to be  
13 deposited in the United States mail, postage prepaid, to the  
14 last known address of the person.

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

1 forms to be provided by the Secretary of State setting  
2 forth the facts of the person's occupation. The affidavit  
3 shall also state the number of offenses committed while  
4 operating a vehicle in connection with the driver's regular  
5 occupation. The affidavit shall be accompanied by the  
6 driver's license. Upon receipt of a properly completed  
7 affidavit, the Secretary of State shall issue the driver a  
8 permit to operate a vehicle in connection with the driver's  
9 regular occupation only. Unless the permit is issued by the  
10 Secretary of State prior to the date of suspension, the  
11 privilege to drive any motor vehicle shall be suspended as  
12 set forth in the notice that was mailed under this Section.  
13 If an affidavit is received subsequent to the effective  
14 date of this suspension, a permit may be issued for the  
15 remainder of the suspension period.

16 The provisions of this subparagraph shall not apply to  
17 any driver required to possess a CDL for the purpose of  
18 operating a commercial motor vehicle.

19 Any person who falsely states any fact in the affidavit  
20 required herein shall be guilty of perjury under Section  
21 6-302 and upon conviction thereof shall have all driving  
22 privileges revoked without further rights.

23 3. At the conclusion of a hearing under Section 2-118  
24 of this Code, the Secretary of State shall either rescind  
25 or continue an order of revocation or shall substitute an  
26 order of suspension; or, good cause appearing therefor,

1 rescind, continue, change, or extend the order of  
2 suspension. If the Secretary of State does not rescind the  
3 order, the Secretary may upon application, to relieve undue  
4 hardship (as defined by the rules of the Secretary of  
5 State), issue a restricted driving permit granting the  
6 privilege of driving a motor vehicle between the  
7 petitioner's residence and petitioner's place of  
8 employment or within the scope of the petitioner's  
9 employment related duties, or to allow the petitioner to  
10 transport himself or herself, or a family member of the  
11 petitioner's household to a medical facility, to receive  
12 necessary medical care, to allow the petitioner to  
13 transport himself or herself to and from alcohol or drug  
14 remedial or rehabilitative activity recommended by a  
15 licensed service provider, or to allow the petitioner to  
16 transport himself or herself or a family member of the  
17 petitioner's household to classes, as a student, at an  
18 accredited educational institution, or to allow the  
19 petitioner to transport children, elderly persons, or  
20 disabled persons who do not hold driving privileges and are  
21 living in the petitioner's household to and from daycare.  
22 The petitioner must demonstrate that no alternative means  
23 of transportation is reasonably available and that the  
24 petitioner will not endanger the public safety or welfare.  
25 Those multiple offenders identified in subdivision (b)4 of  
26 Section 6-208 of this Code, however, shall not be eligible

1 for the issuance of a restricted driving permit.

2 (A) If a person's license or permit is revoked or  
3 suspended due to 2 or more convictions of violating  
4 Section 11-501 of this Code or a similar provision of a  
5 local ordinance or a similar out-of-state offense, or  
6 Section 9-3 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, where the use of alcohol or  
8 other drugs is recited as an element of the offense, or  
9 a similar out-of-state offense, or a combination of  
10 these offenses, arising out of separate occurrences,  
11 that person, if issued a restricted driving permit, may  
12 not operate a vehicle unless it has been equipped with  
13 an ignition interlock device as defined in Section  
14 1-129.1.

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

18 (i) a single conviction of violating Section  
19 11-501 of this Code or a similar provision of a  
20 local ordinance or a similar out-of-state offense  
21 or Section 9-3 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, where the use of alcohol or  
23 other drugs is recited as an element of the  
24 offense, or a similar out-of-state offense; or

25 (ii) a statutory summary suspension or  
26 revocation under Section 11-501.1; or

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

6                   (C) The person issued a permit conditioned upon the  
7                   use of an ignition interlock device must pay to the  
8                   Secretary of State DUI Administration Fund an amount  
9                   not to exceed \$30 per month. The Secretary shall  
10                  establish by rule the amount and the procedures, terms,  
11                  and conditions relating to these fees.

12                  (D) If the restricted driving permit is issued for  
13                  employment purposes, then the prohibition against  
14                  operating a motor vehicle that is not equipped with an  
15                  ignition interlock device does not apply to the  
16                  operation of an occupational vehicle owned or leased by  
17                  that person's employer when used solely for employment  
18                  purposes.

19                  (E) In each case the Secretary may issue a  
20                  restricted driving permit for a period deemed  
21                  appropriate, except that all permits shall expire  
22                  within one year from the date of issuance. The  
23                  Secretary may not, however, issue a restricted driving  
24                  permit to any person whose current revocation is the  
25                  result of a second or subsequent conviction for a  
26                  violation of Section 11-501 of this Code or a similar

1 provision of a local ordinance or any similar  
2 out-of-state offense, or Section 9-3 of the Criminal  
3 Code of 1961 or the Criminal Code of 2012, where the  
4 use of alcohol or other drugs is recited as an element  
5 of the offense, or any similar out-of-state offense, or  
6 any combination of those offenses, until the  
7 expiration of at least one year from the date of the  
8 revocation. A restricted driving permit issued under  
9 this Section shall be subject to cancellation,  
10 revocation, and suspension by the Secretary of State in  
11 like manner and for like cause as a driver's license  
12 issued under this Code may be cancelled, revoked, or  
13 suspended; except that a conviction upon one or more  
14 offenses against laws or ordinances regulating the  
15 movement of traffic shall be deemed sufficient cause  
16 for the revocation, suspension, or cancellation of a  
17 restricted driving permit. The Secretary of State may,  
18 as a condition to the issuance of a restricted driving  
19 permit, require the applicant to participate in a  
20 designated driver remedial or rehabilitative program.  
21 The Secretary of State is authorized to cancel a  
22 restricted driving permit if the permit holder does not  
23 successfully complete the program.

24 (c-3) In the case of a suspension under paragraph 43 of  
25 subsection (a), reports received by the Secretary of State  
26 under this Section shall, except during the actual time the

1 suspension is in effect, be privileged information and for use  
2 only by the courts, police officers, prosecuting authorities,  
3 the driver licensing administrator of any other state, the  
4 Secretary of State, or the parent or legal guardian of a driver  
5 under the age of 18. However, beginning January 1, 2008, if the  
6 person is a CDL holder, the suspension shall also be made  
7 available to the driver licensing administrator of any other  
8 state, the U.S. Department of Transportation, and the affected  
9 driver or motor carrier or prospective motor carrier upon  
10 request.

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

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

23 (d) This Section is subject to the provisions of the  
24 Drivers License Compact.

25 (e) The Secretary of State shall not issue a restricted  
26 driving permit to a person under the age of 16 years whose



1 driving privileges have been suspended or revoked under any  
2 provisions of this Code.

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

8 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
9 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
10 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,  
11 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,  
12 eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

13 Section 10. The Boat Registration and Safety Act is amended  
14 by changing Section 5-16 and by adding Section 5-16c as  
15 follows:

16 (625 ILCS 45/5-16)

17 Sec. 5-16. Operating a watercraft under the influence of  
18 alcohol, other drug or drugs, intoxicating compound or  
19 compounds, or combination thereof.

20 (A) 1. A person shall not operate or be in actual physical  
21 control of any watercraft within this State while:

22 (a) The alcohol concentration in such person's  
23 blood or breath is a concentration at which driving a  
24 motor vehicle is prohibited under subdivision (1) of

1 subsection (a) of Section 11-501 of the Illinois  
2 Vehicle Code;

3 (b) Under the influence of alcohol;

4 (c) Under the influence of any other drug or  
5 combination of drugs to a degree which renders such  
6 person incapable of safely operating any watercraft;

7 (c-1) Under the influence of any intoxicating  
8 compound or combination of intoxicating compounds to a  
9 degree that renders the person incapable of safely  
10 operating any watercraft;

11 (d) Under the combined influence of alcohol and any  
12 other drug or drugs to a degree which renders such  
13 person incapable of safely operating a watercraft; or

14 (e) There is any amount of a drug, substance, or  
15 compound in the person's blood or urine resulting from  
16 the unlawful use or consumption of cannabis listed in  
17 the Cannabis Control Act, a controlled substance  
18 listed in the Illinois Controlled Substances Act, or an  
19 intoxicating compound listed in the Use of  
20 Intoxicating Compounds Act.

21 2. The fact that any person charged with violating this  
22 Section is or has been legally entitled to use alcohol,  
23 other drug or drugs, any intoxicating compound or  
24 compounds, or any combination of them, shall not constitute  
25 a defense against any charge of violating this Section.

26 3. Every person convicted of violating this Section

1 shall be guilty of a Class A misdemeanor, except as  
2 otherwise provided in this Section.

3 4. Every person convicted of violating this Section  
4 shall be guilty of a Class 4 felony if:

5 (a) He has a previous conviction under this  
6 Section;

7 (b) The offense results in personal injury where a  
8 person other than the operator suffers great bodily  
9 harm or permanent disability or disfigurement, when  
10 the violation was a proximate cause of the injuries. A  
11 person guilty of a Class 4 felony under this  
12 subparagraph (b), if sentenced to a term of  
13 imprisonment, shall be sentenced to a term of not less  
14 than one year nor more than 12 years; or

15 (c) The offense occurred during a period in which  
16 his or her privileges to operate a watercraft are  
17 revoked or suspended, and the revocation or suspension  
18 was for a violation of this Section or was imposed  
19 under subsection (B).

20 5. Every person convicted of violating this Section  
21 shall be guilty of a Class 2 felony if the offense results  
22 in the death of a person. A person guilty of a Class 2  
23 felony under this paragraph 5, if sentenced to a term of  
24 imprisonment, shall be sentenced to a term of not less than  
25 3 years and not more than 14 years.

26 5.1. A person convicted of violating this Section or a

1 similar provision of a local ordinance who had a child  
2 under the age of 16 aboard the watercraft at the time of  
3 offense is subject to a mandatory minimum fine of \$500 and  
4 to a mandatory minimum of 5 days of community service in a  
5 program benefiting children. The assignment under this  
6 paragraph 5.1 is not subject to suspension and the person  
7 is not eligible for probation in order to reduce the  
8 assignment.

9 5.2. A person found guilty of violating this Section,  
10 if his or her operation of a watercraft while in violation  
11 of this Section proximately caused any incident resulting  
12 in an appropriate emergency response, is liable for the  
13 expense of an emergency response as provided in subsection  
14 (m) of Section 11-501 of the Illinois Vehicle Code.

15 5.3. In addition to any other penalties and  
16 liabilities, a person who is found guilty of violating this  
17 Section, including any person placed on court supervision,  
18 shall be fined \$100, payable to the circuit clerk, who  
19 shall distribute the money to the law enforcement agency  
20 that made the arrest. In the event that more than one  
21 agency is responsible for the arrest, the \$100 shall be  
22 shared equally. Any moneys received by a law enforcement  
23 agency under this paragraph 5.3 shall be used to purchase  
24 law enforcement equipment or to provide law enforcement  
25 training that will assist in the prevention of alcohol  
26 related criminal violence throughout the State. Law

1 enforcement equipment shall include, but is not limited to,  
2 in-car video cameras, radar and laser speed detection  
3 devices, and alcohol breath testers.

4 6. (a) In addition to any criminal penalties imposed,  
5 the Department of Natural Resources shall suspend the  
6 watercraft operation privileges of any person  
7 convicted or found guilty of a misdemeanor under this  
8 Section, a similar provision of a local ordinance, or  
9 Title 46 of the U.S. Code of Federal Regulations for a  
10 period of one year, except that a first time offender  
11 is exempt from this mandatory one year suspension.

12 As used in this subdivision (A)6(a), "first time  
13 offender" means any person who has not had a previous  
14 conviction or been assigned supervision for violating  
15 this Section, a similar provision of a local ordinance  
16 or, Title 46 of the U.S. Code of Federal Regulations,  
17 or any person who has not had a suspension imposed  
18 under subdivision (B)3.1 of Section 5-16.

19 (b) In addition to any criminal penalties imposed,  
20 the Department of Natural Resources shall suspend the  
21 watercraft operation privileges of any person  
22 convicted of a felony under this Section, a similar  
23 provision of a local ordinance, or Title 46 of the U.S.  
24 Code of Federal Regulations for a period of 3 years.

25 (B) 1. Any person who operates or is in actual physical  
26 control of any watercraft upon the waters of this State

1 shall be deemed to have given consent to a chemical test or  
2 tests of blood, breath or urine for the purpose of  
3 determining the content of alcohol, other drug or drugs,  
4 intoxicating compound or compounds, or combination thereof  
5 in the person's blood if arrested for any offense of  
6 subsection (A) above. The chemical test or tests shall be  
7 administered at the direction of the arresting officer. The  
8 law enforcement agency employing the officer shall  
9 designate which of the tests shall be administered. A urine  
10 test may be administered even after a blood or breath test  
11 or both has been administered.

12 1.1. For the purposes of this Section, an Illinois Law  
13 Enforcement officer of this State who is investigating the  
14 person for any offense defined in Section 5-16 may travel  
15 into an adjoining state, where the person has been  
16 transported for medical care to complete an investigation,  
17 and may request that the person submit to the test or tests  
18 set forth in this Section. The requirements of this Section  
19 that the person be arrested are inapplicable, but the  
20 officer shall issue the person a uniform citation for an  
21 offense as defined in Section 5-16 or a similar provision  
22 of a local ordinance prior to requesting that the person  
23 submit to the test or tests. The issuance of the uniform  
24 citation shall not constitute an arrest, but shall be for  
25 the purpose of notifying the person that he or she is  
26 subject to the provisions of this Section and of the

1 officer's belief in the existence of probable cause to  
2 arrest. Upon returning to this State, the officer shall  
3 file the uniform citation with the circuit clerk of the  
4 county where the offense was committed and shall seek the  
5 issuance of an arrest warrant or a summons for the person.

6 1.2. Notwithstanding any ability to refuse under this  
7 Act to submit to these tests or any ability to revoke the  
8 implied consent to these tests, if a law enforcement  
9 officer has probable cause to believe that a sailboat or  
10 non-powered watercraft operated by or under actual  
11 physical control of a person under the influence of  
12 alcohol, other drug or drugs, intoxicating compound or  
13 compounds, or any combination of them has caused the death  
14 of or personal injury to another, that person shall submit,  
15 upon the request of a law enforcement officer, to a  
16 chemical test or tests of his or her blood, breath, or  
17 urine for the purpose of determining the alcohol content or  
18 the presence of any other drug, intoxicating compound, or  
19 combination of them. For the purposes of this Section, a  
20 personal injury includes severe bleeding wounds, distorted  
21 extremities, and injuries that require the injured party to  
22 be carried from the scene for immediate professional  
23 attention in either a doctor's office or a medical  
24 facility.

25 2. Any person who is dead, unconscious or who is  
26 otherwise in a condition rendering such person incapable of

1 refusal, shall be deemed not to have withdrawn the consent  
2 provided above, and the test may be administered.

3 3. A person requested to submit to a chemical test as  
4 provided ~~above~~ by this Section or Section 5-16c shall be  
5 verbally advised by the law enforcement officer requesting  
6 the test that a refusal to submit to the test will result  
7 in suspension of such person's privilege to operate a  
8 watercraft for a minimum of 2 years. Following this  
9 warning, if a person under arrest refuses upon the request  
10 of a law enforcement officer to submit to a test designated  
11 by the officer, no test shall be given, but the law  
12 enforcement officer shall file with the clerk of the  
13 circuit court for the county in which the arrest was made,  
14 and with the Department of Natural Resources, a sworn  
15 statement naming the person refusing to take and complete  
16 the chemical test or tests requested under the provisions  
17 of this Section. Such sworn statement shall identify the  
18 arrested person, such person's current residence address  
19 and shall specify that a refusal by such person to take the  
20 chemical test or tests was made. Such sworn statement shall  
21 include a statement that the arresting officer had  
22 reasonable cause to believe the person was operating or was  
23 in actual physical control of the watercraft within this  
24 State while under the influence of alcohol, other drug or  
25 drugs, intoxicating compound or compounds, or combination  
26 thereof and that such chemical test or tests were made as



1 an incident to and following the lawful arrest for an  
2 offense as defined in this Section or a similar provision  
3 of a local ordinance, and that the person after being  
4 arrested for an offense arising out of acts alleged to have  
5 been committed while so operating a watercraft refused to  
6 submit to and complete a chemical test or tests as  
7 requested by the law enforcement officer.

8 3.1. The law enforcement officer submitting the sworn  
9 statement as provided in paragraph 3 of this subsection (B)  
10 shall serve immediate written notice upon the person  
11 refusing the chemical test or tests that the person's  
12 privilege to operate a watercraft within this State will be  
13 suspended for a period of 2 years unless, within 28 days  
14 from the date of the notice, the person requests in writing  
15 a hearing on the suspension.

16 If the person desires a hearing, such person shall file  
17 a complaint in the circuit court for and in the county in  
18 which such person was arrested for such hearing. Such  
19 hearing shall proceed in the court in the same manner as  
20 other civil proceedings, shall cover only the issues of  
21 whether the person was placed under arrest for an offense  
22 as defined in this Section or a similar provision of a  
23 local ordinance as evidenced by the issuance of a uniform  
24 citation; whether the arresting officer had reasonable  
25 grounds to believe that such person was operating a  
26 watercraft while under the influence of alcohol, other drug

1 or drugs, intoxicating compound or compounds, or  
2 combination thereof; and whether such person refused to  
3 submit and complete the chemical test or tests upon the  
4 request of the law enforcement officer. Whether the person  
5 was informed that such person's privilege to operate a  
6 watercraft would be suspended if such person refused to  
7 submit to the chemical test or tests shall not be an issue.

8 If the person fails to request in writing a hearing  
9 within 28 days from the date of notice, or if a hearing is  
10 held and the court finds against the person on the issues  
11 before the court, the clerk shall immediately notify the  
12 Department of Natural Resources, and the Department shall  
13 suspend the watercraft operation privileges of the person  
14 for at least 2 years.

15 3.2. If the person submits to a test that discloses an  
16 alcohol concentration of 0.08 or more, or any amount of a  
17 drug, substance or intoxicating compound in the person's  
18 breath, blood, or urine resulting from the unlawful use of  
19 cannabis listed in the Cannabis Control Act, a controlled  
20 substance listed in the Illinois Controlled Substances  
21 Act, or an intoxicating compound listed in the Use of  
22 Intoxicating Compounds Act, the law enforcement officer  
23 shall immediately submit a sworn report to the circuit  
24 clerk of venue and the Department of Natural Resources,  
25 certifying that the test or tests were requested under  
26 paragraph 1 of this subsection (B) and the person submitted

1 to testing that disclosed an alcohol concentration of 0.08  
2 or more.

3 In cases where the blood alcohol concentration of 0.08  
4 or greater or any amount of drug, substance or compound  
5 resulting from the unlawful use of cannabis, a controlled  
6 substance or an intoxicating compound is established by a  
7 subsequent analysis of blood or urine collected at the time  
8 of arrest, the arresting officer or arresting agency shall  
9 immediately submit a sworn report to the circuit clerk of  
10 venue and the Department of Natural Resources upon receipt  
11 of the test results.

12 4. A person must submit to each chemical test offered  
13 by the law enforcement officer in order to comply with the  
14 implied consent provisions of this Section.

15 5. The provisions of Section 11-501.2 of the Illinois  
16 Vehicle Code, as amended, concerning the certification and  
17 use of chemical tests apply to the use of such tests under  
18 this Section.

19 (C) Upon the trial of any civil or criminal action or  
20 proceeding arising out of acts alleged to have been committed  
21 by any person while operating a watercraft while under the  
22 influence of alcohol, the concentration of alcohol in the  
23 person's blood or breath at the time alleged as shown by  
24 analysis of a person's blood, urine, breath, or other bodily  
25 substance shall give rise to the presumptions specified in  
26 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2

1 of the Illinois Vehicle Code. The foregoing provisions of this  
2 subsection (C) shall not be construed as limiting the  
3 introduction of any other relevant evidence bearing upon the  
4 question whether the person was under the influence of alcohol.

5 (D) If a person under arrest refuses to submit to a  
6 chemical test under the provisions of this Section, evidence of  
7 refusal shall be admissible in any civil or criminal action or  
8 proceeding arising out of acts alleged to have been committed  
9 while the person under the influence of alcohol, other drug or  
10 drugs, intoxicating compound or compounds, or combination of  
11 them was operating a watercraft.

12 (E) The owner of any watercraft or any person given  
13 supervisory authority over a watercraft, may not knowingly  
14 permit a watercraft to be operated by any person under the  
15 influence of alcohol, other drug or drugs, intoxicating  
16 compound or compounds, or combination thereof.

17 (F) Whenever any person is convicted or found guilty of a  
18 violation of this Section, including any person placed on court  
19 supervision, the court shall notify the Office of Law  
20 Enforcement of the Department of Natural Resources, to provide  
21 the Department with the records essential for the performance  
22 of the Department's duties to monitor and enforce any order of  
23 suspension or revocation concerning the privilege to operate a  
24 watercraft.

25 (G) No person who has been arrested and charged for  
26 violating paragraph 1 of subsection (A) of this Section shall

1 operate any watercraft within this State for a period of 24  
2 hours after such arrest.

3 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

4 (625 ILCS 45/5-16c new)

5 Sec. 5-16c. Operator involvement in personal injury or  
6 fatal boating accident; chemical tests.

7 (a) Any person who operates or is in actual physical  
8 control of a motorboat within this State and who has been  
9 involved in a personal injury or fatal boating accident shall  
10 be deemed to have given consent to a breath test using a  
11 portable device as approved by the Department of State Police  
12 or to a chemical test or tests of blood, breath, or urine for  
13 the purpose of determining the content of alcohol, other drug  
14 or drugs, or intoxicating compound or compounds of the person's  
15 blood if arrested as evidenced by the issuance of a uniform  
16 citation for a violation of the Boat Registration and Safety  
17 Act or a similar provision of a local ordinance, with the  
18 exception of equipment violations contained in Article IV of  
19 this Act or similar provisions of local ordinances. The test or  
20 tests shall be administered at the direction of the arresting  
21 officer. The law enforcement agency employing the officer shall  
22 designate which of the aforesaid tests shall be administered. A  
23 urine test may be administered even after a blood or breath  
24 test or both has been administered. Compliance with this  
25 Section does not relieve the person from the requirements of

1 any other Section of this Act.

2 (b) Any person who is dead, unconscious, or who is  
3 otherwise in a condition rendering that person incapable of  
4 refusal shall be deemed not to have withdrawn the consent  
5 provided by subsection (a) of this Section. In addition, if an  
6 operator of a motorboat is receiving medical treatment as a  
7 result of a boating accident, any physician licensed to  
8 practice medicine, licensed physician assistant, licensed  
9 advanced practice nurse, registered nurse, or a phlebotomist  
10 acting under the direction of a licensed physician shall  
11 withdraw blood for testing purposes to ascertain the presence  
12 of alcohol, other drug or drugs, or intoxicating compound or  
13 compounds, upon the specific request of a law enforcement  
14 officer. However, this testing shall not be performed until, in  
15 the opinion of the medical personnel on scene, the withdrawal  
16 can be made without interfering with or endangering the  
17 well-being of the patient.

18 (c) A person requested to submit to a test under subsection  
19 (a) of this Section shall be warned by the law enforcement  
20 officer requesting the test that a refusal to submit to the  
21 test, or submission to the test resulting in an alcohol  
22 concentration of 0.08 or more, or any amount of a drug,  
23 substance, or intoxicating compound resulting from the  
24 unlawful use or consumption of cannabis listed in the Cannabis  
25 Control Act, a controlled substance listed in the Illinois  
26 Controlled Substances Act, an intoxicating compound listed in

1 the Use of Intoxicating Compounds Act, or methamphetamine as  
2 listed in the Methamphetamine Control and Community Protection  
3 Act as detected in the person's blood or urine, may result in  
4 the suspension of the person's privilege to operate a motor  
5 vehicle and may result in the disqualification of the person's  
6 privilege to operate a commercial motor vehicle, as provided in  
7 Section 6-514 of the Illinois Vehicle Code, if the person is a  
8 CDL holder. The length of the suspension shall be the same as  
9 outlined in Section 6-208.1 of the Illinois Vehicle Code  
10 regarding statutory summary suspensions.

11 (d) If the person refuses testing or submits to a test  
12 which discloses an alcohol concentration of 0.08 or more, or  
13 any amount of a drug, substance, or intoxicating compound in  
14 the person's blood or urine resulting from the unlawful use or  
15 consumption of cannabis listed in the Cannabis Control Act, a  
16 controlled substance listed in the Illinois Controlled  
17 Substances Act, an intoxicating compound listed in the Use of  
18 Intoxicating Compounds Act, or methamphetamine as listed in the  
19 Methamphetamine Control and Community Protection Act, the law  
20 enforcement officer shall immediately submit a sworn report to  
21 the Secretary of State on a form prescribed by the Secretary of  
22 State, certifying that the test or tests were requested under  
23 subsection (a) of this Section and the person refused to submit  
24 to a test or tests or submitted to testing which disclosed an  
25 alcohol concentration of 0.08 or more, or any amount of a drug,  
26 substance, or intoxicating compound in the person's blood or

1 urine, resulting from the unlawful use or consumption of  
2 cannabis listed in the Cannabis Control Act, a controlled  
3 substance listed in the Illinois Controlled Substances Act, an  
4 intoxicating compound listed in the Use of Intoxicating  
5 Compounds Act, or methamphetamine as listed in the  
6 Methamphetamine Control and Community Protection Act.

7 Upon receipt of the sworn report of a law enforcement  
8 officer, the Secretary of State shall enter the suspension and  
9 disqualification to the person's driving record and the  
10 suspension and disqualification shall be effective on the 46th  
11 day following the date notice of the suspension was given to  
12 the person.

13 The law enforcement officer submitting the sworn report  
14 shall serve immediate notice of this suspension on the person  
15 and this suspension and disqualification shall be effective on  
16 the 46th day following the date notice was given.

17 In cases where the blood alcohol concentration of 0.08 or  
18 more, or any amount of a drug, substance, or intoxicating  
19 compound resulting from the unlawful use or consumption of  
20 cannabis listed in the Cannabis Control Act, a controlled  
21 substance listed in the Illinois Controlled Substances Act, an  
22 intoxicating compound listed in the Use of Intoxicating  
23 Compounds Act, or methamphetamine as listed in the  
24 Methamphetamine Control and Community Protection Act, is  
25 established by a subsequent analysis of blood or urine  
26 collected at the time of arrest, the arresting officer shall



1 give notice as provided in this Section or by deposit in the  
2 United States mail of this notice in an envelope with postage  
3 prepaid and addressed to the person at his or her address as  
4 shown on the uniform citation and the suspension and  
5 disqualification shall be effective on the 46th day following  
6 the date notice was given.

7 Upon receipt of the sworn report of a law enforcement  
8 officer, the Secretary of State shall also give notice of the  
9 suspension and disqualification to the person by mailing a  
10 notice of the effective date of the suspension and  
11 disqualification to the person. However, should the sworn  
12 report be defective by not containing sufficient information or  
13 be completed in error, the notice of the suspension and  
14 disqualification shall not be mailed to the person or entered  
15 to the driving record, but rather the sworn report shall be  
16 returned to the issuing law enforcement agency.

17 (e) A person may contest this suspension of his or her  
18 driving privileges and disqualification of his or her CDL  
19 privileges by requesting an administrative hearing with the  
20 Secretary of State in accordance with Section 2-118 of the  
21 Illinois Vehicle Code. At the conclusion of a hearing held  
22 under Section 2-118 of the Illinois Vehicle Code, the Secretary  
23 of State may rescind, continue, or modify the orders of  
24 suspension and disqualification. If the Secretary of State does  
25 not rescind the orders of suspension and disqualification, a  
26 restricted driving permit may be granted by the Secretary of

1 State upon application being made and good cause shown. A  
2 restricted driving permit may be granted to relieve undue  
3 hardship to allow driving for employment, educational, and  
4 medical purposes as outlined in Section 6-206 of the Illinois  
5 Vehicle Code. The provisions of Section 6-206 of the Illinois  
6 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the  
7 Secretary of State may not issue a restricted driving permit  
8 for the operation of a commercial motor vehicle to a person  
9 holding a CDL whose driving privileges have been suspended,  
10 revoked, cancelled, or disqualified.

11 (f) For the purposes of this Section, a personal injury  
12 shall include any type A injury as indicated on the accident  
13 report completed by a law enforcement officer that requires  
14 immediate professional attention in a doctor's office or a  
15 medical facility. A type A injury shall include severely  
16 bleeding wounds, distorted extremities, and injuries that  
17 require the injured party to be carried from the scene.