

1 AN ACT concerning regulation.

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

4 Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Sections 15, 35, 65, 95,
6 105, 110, 115, 120, 140, 145, 150, 165, 175, and 185 as
7 follows:

8 (410 ILCS 130/15)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 15. Authority.

11 (a) It is the duty of the Department of Public Health to
12 enforce the following provisions of this Act unless otherwise
13 provided for by this Act:

14 (1) establish and maintain a confidential registry of
15 qualifying patients authorized to engage in the medical use
16 of cannabis and their caregivers;

17 (2) distribute educational materials about the health
18 risks associated with the abuse of cannabis and
19 prescription medications;

20 (3) adopt rules to administer the patient and caregiver
21 registration program; and

22 (4) adopt rules establishing food handling
23 requirements for cannabis-infused products that are

1 prepared for human consumption.

2 (b) It is the duty of the Department of Agriculture to
3 enforce the provisions of this Act relating to the registration
4 and oversight of cultivation centers unless otherwise provided
5 for in this Act.

6 (c) It is the duty of the Department of Financial and
7 Professional Regulation to enforce the provisions of this Act
8 relating to the registration and oversight of dispensing
9 organizations unless otherwise provided for in this Act.

10 (d) The Department of Public Health, the Department of
11 Agriculture, or the Department of Financial and Professional
12 Regulation shall enter into intergovernmental agreements, as
13 necessary, to carry out the provisions of this Act including,
14 but not limited to, the provisions relating to the registration
15 and oversight of cultivation centers, dispensing
16 organizations, and qualifying patients and caregivers.

17 (e) The Department of Public Health, Department of
18 Agriculture, or the Department of Financial and Professional
19 Regulation may suspend, ~~or~~ revoke, or impose other penalties
20 upon a registration for violations of this Act and any rules
21 adopted in accordance thereto. The suspension or revocation of,
22 or imposition of any other penalty upon, a registration is a
23 final Agency action, subject to judicial review. Jurisdiction
24 and venue for judicial review are vested in the Circuit Court.
25 (Source: P.A. 98-122, eff. 1-1-14.)

1 (410 ILCS 130/35)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 35. Physician requirements.

4 (a) A physician who certifies a debilitating medical
5 condition for a qualifying patient shall comply with all of the
6 following requirements:

7 (1) The Physician shall be currently licensed under the
8 Medical Practice Act of 1987 to practice medicine in all
9 its branches and in good standing, and must hold a
10 controlled substances license under Article III of the
11 Illinois Controlled Substances Act.

12 (2) A physician making a medical cannabis
13 recommendation shall comply with generally accepted
14 standards of medical practice, the provisions of the
15 Medical Practice Act of 1987 and all applicable rules.

16 (3) The physical examination required by this Act may
17 not be performed by remote means, including telemedicine.

18 (4) The physician shall maintain a record-keeping
19 system for all patients for whom the physician has
20 recommended the medical use of cannabis. These records
21 shall be accessible to and subject to review by the
22 Department of Public Health and the Department of Financial
23 and Professional Regulation upon request.

24 (b) A physician may not:

25 (1) accept, solicit, or offer any form of remuneration
26 from or to a qualifying patient, primary caregiver,

1 cultivation center, or dispensing organization, including
2 each principal officer, board member, agent, and employee,
3 to certify a patient, other than accepting payment from a
4 patient for the fee associated with the required
5 examination ~~required prior to certifying a qualifying~~
6 ~~patient;~~

7 (2) offer a discount of any other item of value to a
8 qualifying patient who uses or agrees to use a particular
9 primary caregiver or dispensing organization to obtain
10 medical cannabis;

11 (3) conduct a personal physical examination of a
12 patient for purposes of diagnosing a debilitating medical
13 condition at a location where medical cannabis is sold or
14 distributed or at the address of a principal officer,
15 agent, or employee or a medical cannabis organization;

16 (4) hold a direct or indirect economic interest in a
17 cultivation center or dispensing organization if he or she
18 recommends the use of medical cannabis to qualified
19 patients or is in a partnership or other fee or
20 profit-sharing relationship with a physician who
21 recommends medical cannabis, except for the limited
22 purpose of performing a medical cannabis related research
23 study;

24 (5) serve on the board of directors or as an employee
25 of a cultivation center or dispensing organization;

26 (6) refer patients to a cultivation center, a

1 dispensing organization, or a registered designated
2 caregiver; or

3 (7) advertise in a cultivation center or a dispensing
4 organization.

5 (c) The Department of Public Health may with reasonable
6 cause refer a physician, who has certified a debilitating
7 medical condition of a patient, to the Illinois Department of
8 Financial and Professional Regulation for potential violations
9 of this Section.

10 (d) Any violation of this Section or any other provision of
11 this Act or rules adopted under this Act is a violation of the
12 Medical Practice Act of 1987.

13 (Source: P.A. 98-122, eff. 1-1-14.)

14 (410 ILCS 130/65)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 65. Denial of registry identification cards.

17 (a) The Department of Public Health may deny an application
18 or renewal of a qualifying patient's registry identification
19 card only if the applicant:

20 (1) did not provide the required information and
21 materials;

22 (2) previously had a registry identification card
23 revoked;

24 (3) did not meet the requirements of this Act; or

25 (4) provided false or falsified information.

1 (b) No person who has been convicted of a felony under the
2 Illinois Controlled Substances Act, Cannabis Control Act, or
3 Methamphetamine Control and Community Protection Act, or
4 similar provision in a local ordinance or other jurisdiction is
5 eligible to receive a registry identification card.

6 (c) The Department of Public Health may deny an application
7 or renewal for a designated caregiver chosen by a qualifying
8 patient whose registry identification card was granted only if:

9 (1) the designated caregiver does not meet the
10 requirements of subsection (i) of Section 10;

11 (2) the applicant did not provide the information
12 required;

13 (3) the prospective patient's application was denied;

14 (4) the designated caregiver previously had a registry
15 identification card revoked; or

16 (5) the applicant or the designated caregiver provided
17 false or falsified information.

18 (d) The Department of Public Health through the Department
19 of State Police shall conduct a background check of the
20 prospective qualifying patient and designated caregiver in
21 order to carry out this Section. The Department of State Police
22 shall charge a fee for conducting the criminal history record
23 check, which shall be deposited in the State Police Services
24 Fund and shall not exceed the actual cost of the record check.
25 Each person applying as a qualifying patient or a designated
26 caregiver shall submit a full set of fingerprints to the

1 Department of State Police for the purpose of obtaining a State
2 and federal criminal records check. These fingerprints shall be
3 checked against the fingerprint records now and hereafter, to
4 the extent allowed by law, filed in the Department of State
5 Police and Federal Bureau of Investigation criminal history
6 records databases. The Department of State Police shall
7 furnish, following positive identification, all Illinois
8 conviction information to the Department of Public Health. The
9 Department of Public Health may waive the submission of a
10 qualifying patient's complete fingerprints based on (1) the
11 severity of the patient's illness and (2) the inability of the
12 qualifying patient to supply those fingerprints, provided that
13 a complete criminal background check is conducted by the
14 Department of State Police prior to the issuance of a registry
15 identification card. The Department of Public Health through
16 the Illinois State Police shall conduct a background check of
17 the prospective qualifying patient and designated caregiver in
18 order to carry out this provision. The Department of State
19 Police shall be reimbursed for the cost of the background check
20 by the Department of Public Health. Each person applying as a
21 qualifying patient or a designated caregiver shall submit a
22 full set of fingerprints to the Department of Public Health for
23 the purpose of obtaining a state and federal criminal records
24 check. The Department of Public Health may exchange this data
25 with the Department of State Police or the Federal Bureau of
26 Investigation without disclosing that the records check is

1 ~~related to this Act. The Department of Public Health shall~~
2 ~~destroy each set of fingerprints after the criminal records~~
3 ~~check is completed. The Department of Public Health may waive~~
4 ~~the submission of a qualifying patient's complete fingerprints~~
5 ~~based on (1) the severity of the patient's illness and (2) the~~
6 ~~inability of the qualifying patient to obtain those~~
7 ~~fingerprints, provided that a complete criminal background~~
8 ~~check is conducted by the Department of State Police prior to~~
9 ~~the issuance of a registry identification card.~~

10 (e) The Department of Public Health shall notify the
11 qualifying patient who has designated someone to serve as his
12 or her designated caregiver if a registry identification card
13 will not be issued to the designated caregiver.

14 (f) Denial of an application or renewal is considered a
15 final Department action, subject to judicial review.
16 Jurisdiction and venue for judicial review are vested in the
17 Circuit Court.

18 (Source: P.A. 98-122, eff. 1-1-14.)

19 (410 ILCS 130/95)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 95. Background checks.

22 (a) The Department of Agriculture through the Department of
23 State Police shall conduct a background check of the
24 prospective cultivation center agents. The Department of State
25 Police shall charge a fee for conducting the criminal history

1 record check, which shall be deposited in the State Police
2 Services Fund and shall not exceed the actual cost of the
3 record check. In order to carry out this provision, each person
4 applying as a cultivation center agent shall submit a full set
5 of fingerprints to the Department of State Police for the
6 purpose of obtaining a State and federal criminal records
7 check. These fingerprints shall be checked against the
8 fingerprint records now and hereafter, to the extent allowed by
9 law, filed in the Department of State Police and Federal Bureau
10 of Investigation criminal history records databases. The
11 Department of State Police shall furnish, following positive
12 identification, all Illinois conviction information to the
13 Department of Agriculture. The Department of Agriculture
14 through the Department of State Police shall conduct a
15 background check of the prospective cultivation center agents.
16 The Department of State Police shall be reimbursed for the cost
17 of the background check by the Department of Agriculture. In
18 order to carry out this provision, each person applying as a
19 cultivation center agent shall submit a full set of
20 fingerprints to the Department of Agriculture for the purpose
21 of obtaining a State and federal criminal records check. The
22 Department of Agriculture may exchange this data with the
23 Department of State Police and the Federal Bureau of
24 Investigation without disclosing that the records check is
25 related to this Act. The Department of Agriculture shall
26 destroy each set of fingerprints after the criminal records

1 ~~check is complete.~~

2 (b) When applying for the initial permit, the background
3 checks for the principal officer, board members, and registered
4 agents shall be completed prior to submitting the application
5 to the Department of Agriculture.

6 (Source: P.A. 98-122, eff. 1-1-14.)

7 (410 ILCS 130/105)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 105. Requirements; prohibitions; penalties for
10 cultivation centers.

11 (a) The operating documents of a registered cultivation
12 center shall include procedures for the oversight of the
13 cultivation center, a cannabis plant monitoring system
14 including a physical inventory recorded weekly, a cannabis
15 container system including a physical inventory recorded
16 weekly, accurate record keeping, and a staffing plan.

17 (b) A registered cultivation center shall implement a
18 security plan reviewed by the State Police and including but
19 not limited to: facility access controls, perimeter intrusion
20 detection systems, personnel identification systems, 24-hour
21 surveillance system to monitor the interior and exterior of the
22 registered cultivation center facility and accessible to
23 authorized law enforcement and the Department of Agriculture
24 ~~Financial and Professional Regulation~~ in real-time.

25 (c) A registered cultivation center may not be located

1 within 2,500 feet of the property line of a pre-existing public
2 or private preschool or elementary or secondary school or day
3 care center, day care home, group day care home, part day child
4 care facility, or an area zoned for residential use.

5 (d) All cultivation of cannabis for distribution to a
6 registered dispensing organization must take place in an
7 enclosed, locked facility as it applies to cultivation centers
8 at the physical address provided to the Department of
9 Agriculture during the registration process. The cultivation
10 center location shall only be accessed by the cultivation
11 center agents working for the registered cultivation center,
12 Department of Agriculture staff performing inspections,
13 Department of Public Health staff performing inspections, law
14 enforcement or other emergency personnel, and contractors
15 working on jobs unrelated to medical cannabis, such as
16 installing or maintaining security devices or performing
17 electrical wiring.

18 (e) A cultivation center may not sell or distribute any
19 cannabis to any individual or entity other than a dispensary
20 organization registered under this Act.

21 (f) All harvested cannabis intended for distribution to a
22 dispensing organization must be packaged in a labeled medical
23 cannabis container and entered into a data collection system.

24 (g) No person who has been convicted of an excluded offense
25 may be a cultivation center agent.

26 (h) Registered cultivation centers are subject to random

1 inspection by the State Police.

2 (i) Registered cultivation centers are subject to random
3 inspections by the Department of Agriculture and the Department
4 of Public Health.

5 (j) A cultivation center agent shall notify local law
6 enforcement, the State Police, and the Department of
7 Agriculture within 24 hours of the discovery of any loss or
8 theft. Notification shall be made by phone or in-person, or by
9 written or electronic communication.

10 (k) A cultivation center shall comply with all State and
11 federal rules and regulations regarding the use of pesticides.
12 (Source: P.A. 98-122, eff. 1-1-14.)

13 (410 ILCS 130/110)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 110. Suspension; revocation; other penalties for
16 cultivation centers and agents of a registration.

17 Notwithstanding any other criminal penalties related to
18 the unlawful possession of cannabis, the Department of
19 Agriculture may revoke, suspend, place on probation,
20 reprimand, issue cease and desist orders, refuse to issue or
21 renew a registration, or take any other disciplinary or
22 non-disciplinary action as the Department of Agriculture may
23 deem proper with regard to a registered cultivation center or
24 cultivation center agent, including imposing fines not to
25 exceed \$50,000 for each violation, for any violations of this

1 Act and rules adopted under this Act. The procedures for
2 disciplining a registered cultivation center or cultivation
3 center agent and for administrative hearings shall be
4 determined by rule. All final administrative decisions of the
5 Department of Agriculture are subject to judicial review under
6 the Administrative Review Law and its rules. The term
7 "administrative decision" is defined as in Section 3-101 of the
8 Code of Civil Procedure. ~~(a) The Department of Agriculture may~~
9 ~~suspend or revoke a registration for violations of this Act and~~
10 ~~rules issued in accordance with this Section.~~

11 ~~(b) The suspension or revocation of a certificate is a~~
12 ~~final Department of Agriculture action, subject to judicial~~
13 ~~review. Jurisdiction and venue for judicial review are vested~~
14 ~~in the Circuit Court.~~

15 (Source: P.A. 98-122, eff. 1-1-14.)

16 (410 ILCS 130/115)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 115. Registration of dispensing organizations.

19 (a) The Department of Financial and Professional
20 Regulation may issue up to 60 dispensing organization
21 registrations for operation. The Department of Financial and
22 Professional Regulation may not issue less than the 60
23 registrations if there are qualified applicants who have
24 applied with the Department of Financial and Professional
25 Regulation. The organizations shall be geographically

1 dispersed throughout the State to allow all registered
2 qualifying patients reasonable proximity and access to a
3 dispensing organization.

4 (b) A dispensing organization may only operate if it has
5 been issued a registration from the Department of Financial and
6 Professional Regulation. The Department of Financial and
7 Professional Regulation shall adopt rules establishing the
8 procedures for applicants for dispensing organizations.

9 (c) When applying for a dispensing organization
10 registration, the applicant shall submit, at a minimum, the
11 following in accordance with Department of Financial and
12 Professional Regulation rules:

13 (1) a non-refundable application fee established by
14 rule;

15 (2) the proposed legal name of the dispensing
16 organization;

17 (3) the proposed physical address of the dispensing
18 organization;

19 (4) the name, address, and date of birth of each
20 principal officer and board member of the dispensing
21 organization, provided that all those individuals shall be
22 at least 21 years of age;

23 (5) information, in writing, regarding any instances
24 in which a business or not-for-profit that any of the
25 prospective board members managed or served on the board
26 was convicted, fined, censured, or had a registration

1 suspended or revoked in any administrative or judicial
2 proceeding;

3 (6) proposed operating by-laws that include procedures
4 for the oversight of the medical cannabis dispensing
5 organization and procedures to ensure accurate record
6 keeping and security measures that are in accordance with
7 the rules applied by the Department of Financial and
8 Professional Regulation under this Act. The by-laws shall
9 include a description of the enclosed, locked facility
10 where medical cannabis will be stored by the dispensing
11 organization; and

12 (7) signed statements from each dispensing
13 organization agent stating that they will not divert
14 medical cannabis.

15 (d) The Department of Financial and Professional
16 Regulation shall conduct a background check of the prospective
17 dispensing organization agents in order to carry out this
18 Section. The Department of State Police shall charge a fee for
19 conducting the criminal history record check, which shall be
20 deposited in the State Police Services Fund and shall not
21 exceed the actual cost of the record check. Each person
22 applying as a dispensing organization agent shall submit a full
23 set of fingerprints to the Department of State Police for the
24 purpose of obtaining a State and federal criminal records
25 check. These fingerprints shall be checked against the
26 fingerprint records now and hereafter, to the extent allowed by

1 law, filed in the Department of State Police and Federal Bureau
2 of Investigation criminal history records databases. The
3 Department of State Police shall furnish, following positive
4 identification, all Illinois conviction information to the
5 Department of Financial and Professional Regulation. The
6 ~~Department of Financial and Professional Regulation shall~~
7 ~~conduct a background check of the prospective dispensing~~
8 ~~organization agents in order to carry out this provision. The~~
9 ~~Department of State Police shall be reimbursed for the cost of~~
10 ~~the background check by the Department of Financial and~~
11 ~~Professional Regulation. Each person applying as a dispensing~~
12 ~~organization agent shall submit a full set of fingerprints to~~
13 ~~the Department of Financial and Professional Regulation for the~~
14 ~~purpose of obtaining a state and federal criminal records~~
15 ~~check. The Department of Financial and Professional Regulation~~
16 ~~may exchange this data with the Department of State Police and~~
17 ~~the Federal Bureau of Investigation without disclosing that the~~
18 ~~records check is related to this Act. The Department of~~
19 ~~Financial and Professional Regulation shall destroy each set of~~
20 ~~fingerprints after the criminal records check is completed.~~

21 (e) A dispensing organization must pay a registration fee
22 set by the Department of Financial and Professional Regulation.

23 (f) An application for a medical cannabis dispensing
24 organization registration must be denied if any of the
25 following conditions are met:

26 (1) the applicant failed to submit the materials

1 required by this Section, including if the applicant's
2 plans do not satisfy the security, oversight, or
3 recordkeeping rules issued by the Department of Financial
4 and Professional Regulation;

5 (2) the applicant would not be in compliance with local
6 zoning rules issued in accordance with Section 140;

7 (3) the applicant does not meet the requirements of
8 Section 130;

9 (4) one or more of the prospective principal officers
10 or board members has been convicted of an excluded offense;

11 (5) one or more of the prospective principal officers
12 or board members has served as a principal officer or board
13 member for a registered medical cannabis dispensing
14 organization that has had its registration revoked;

15 (6) one or more of the principal officers or board
16 members is under 21 years of age; and

17 (7) one or more of the principal officers or board
18 members is a registered qualified patient or a registered
19 caregiver.

20 (Source: P.A. 98-122, eff. 1-1-14.)

21 (410 ILCS 130/120)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 120. Dispensing organization agent identification
24 card.

25 (a) The Department of Financial and Professional

1 Regulation shall:

2 (1) verify the information contained in an application
3 or renewal for a dispensing organization agent
4 identification card submitted under this Act, and approve
5 or deny an application or renewal, within 30 days of
6 receiving a completed application or renewal application
7 and all supporting documentation required by rule;

8 (2) issue a dispensing organization agent
9 identification card to a qualifying agent within 15
10 business days of approving the application or renewal;

11 (3) enter the registry identification number of the
12 dispensing organization where the agent works; and

13 (4) allow for an electronic application process, and
14 provide a confirmation by electronic or other methods that
15 an application has been submitted.

16 (b) A dispensing agent must keep his or her identification
17 card visible at all times when on the property of a dispensing
18 organization.

19 (c) The dispensing organization agent identification cards
20 shall contain the following:

21 (1) the name of the cardholder;

22 (2) the date of issuance and expiration date of the
23 dispensing organization agent identification cards;

24 (3) a random 10 digit alphanumeric identification
25 number containing at least 4 numbers and at least 4
26 letters; that is unique to the holder; and

1 (4) a photograph of the cardholder.

2 (d) The dispensing organization agent identification cards
3 shall be immediately returned to the dispensing organization
4 ~~cultivation center~~ upon termination of employment.

5 (e) Any card lost by a dispensing organization agent shall
6 be reported to the Illinois State Police and the Department of
7 Financial and Professional Regulation ~~Agriculture~~ immediately
8 upon discovery of the loss.

9 (f) An applicant shall be denied a dispensing organization
10 agent identification card if he or she has been convicted of an
11 excluded offense.

12 (Source: P.A. 98-122, eff. 1-1-14.)

13 (410 ILCS 130/140)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 140. Local ordinances. A unit of local government may
16 enact reasonable zoning ordinances or resolutions, not in
17 conflict with this Act or with Department of Agriculture or
18 Department of Financial and Professional Regulation ~~Public~~
19 ~~Health~~ rules, regulating registered medical cannabis
20 cultivation center or medical cannabis dispensing
21 organizations. No unit of local government, including a home
22 rule unit, or school district may regulate registered medical
23 cannabis organizations other than as provided in this Act and
24 may not unreasonably prohibit the cultivation, dispensing, and
25 use of medical cannabis authorized by this Act. This Section is

1 a denial and limitation under subsection (i) of Section 6 of
2 Article VII of the Illinois Constitution on the concurrent
3 exercise by home rule units of powers and functions exercised
4 by the State.

5 (Source: P.A. 98-122, eff. 1-1-14.)

6 (410 ILCS 130/145)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 145. Confidentiality.

9 (a) The following information received and records kept by
10 the Department of Public Health, Department of Financial and
11 Professional Regulation, Department of Agriculture, or
12 Department of State Police ~~under their rules~~ for purposes of
13 administering this Act are subject to all applicable federal
14 privacy laws, confidential, and exempt from the Freedom of
15 Information Act, and not subject to disclosure to any
16 individual or public or private entity, except as necessary for
17 authorized employees of those authorized agencies to perform
18 official duties under this Act and the following, ~~except that~~
19 ~~the~~ information received and records kept by Department of
20 Public Health, Department of Agriculture, Department of
21 Financial and Professional Regulation, and Department of State
22 Police, excluding any existing or non-existing Illinois or
23 national criminal history record information as defined in
24 subsection (d), may be disclosed ~~may disclose this information~~
25 ~~and records~~ to each other upon request:

1 (1) Applications and renewals, their contents, and
2 supporting information submitted by qualifying patients
3 and designated caregivers, including information regarding
4 their designated caregivers and physicians.

5 (2) Applications and renewals, their contents, and
6 supporting information submitted by or on behalf of
7 cultivation centers and dispensing organizations in
8 compliance with this Act, including their physical
9 addresses.

10 (3) The individual names and other information
11 identifying persons to whom the Department of Public Health
12 has issued registry identification cards.

13 (4) Any dispensing information required to be kept
14 under Section 135, Section 150, or Department of Public
15 Health, Department of Agriculture, or Department of
16 Financial and Professional Regulation rules shall identify
17 cardholders and registered cultivation centers by their
18 registry identification numbers and medical cannabis
19 dispensing organizations by their registration number and
20 not contain names or other personally identifying
21 information.

22 (5) All medical records provided to the Department of
23 Public Health in connection with an application for a
24 registry card.

25 (b) Nothing in this Section precludes the following:

26 (1) Department of Agriculture, Department of Financial

1 and Professional Regulation, or Public Health employees
2 may notify law enforcement about falsified or fraudulent
3 information submitted to the Departments if the employee
4 who suspects that falsified or fraudulent information has
5 been submitted conferred with his or her supervisor and
6 both agree that circumstances exist that warrant
7 reporting.

8 (2) If the employee conferred with his or her
9 supervisor and both agree that circumstances exist that
10 warrant reporting, Department of Public Health employees
11 may notify the Department of Financial and Professional
12 Regulation if there is reasonable cause to believe a
13 physician:

14 (A) issued a written certification without a bona
15 fide physician-patient relationship under this Act;

16 (B) issued a written certification to a person who
17 was not under the physician's care for the debilitating
18 medical condition; or

19 (C) failed to abide by the acceptable and
20 prevailing standard of care when evaluating a
21 patient's medical condition.

22 (3) The Department of Public Health, Department of
23 Agriculture, and Department of Financial and Professional
24 Regulation may notify State or local law enforcement about
25 apparent criminal violations of this Act if the employee
26 who suspects the offense has conferred with his or her

1 supervisor and both agree that circumstances exist that
2 warrant reporting.

3 (4) Medical cannabis cultivation center agents and
4 medical cannabis dispensing organizations may notify the
5 Department of Public Health, Department of Financial and
6 Professional Regulation, or Department of Agriculture of a
7 suspected violation or attempted violation of this Act or
8 the rules issued under it.

9 (5) Each Department may verify registry identification
10 cards under Section 150.

11 (6) The submission of the report to the General
12 Assembly under Section 160.

13 (c) It is a Class B misdemeanor with a \$1,000 fine for any
14 person, including an employee or official of the Department of
15 Public Health, Department of Financial and Professional
16 Regulation, or Department of Agriculture or another State
17 agency or local government, to breach the confidentiality of
18 information obtained under this Act.

19 (d) The Department of Public Health, the Department of
20 Agriculture, the Department of State Police, and the Department
21 of Financial and Professional Regulation shall not share or
22 disclose any existing or non-existing Illinois or national
23 criminal history record information. For the purposes of this
24 Section, "any existing or non-existing Illinois or national
25 criminal history record information" means any Illinois or
26 national criminal history record information, including but

1 not limited to the lack of or non-existence of these records.

2 (Source: P.A. 98-122, eff. 1-1-14.)

3 (410 ILCS 130/150)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 150. Registry identification and registration
6 certificate verification.

7 (a) The Department of Public Health shall maintain a
8 confidential list of the persons to whom the Department of
9 Public Health has issued registry identification cards and
10 their addresses, phone numbers, and registry identification
11 numbers. This confidential list may not be combined or linked
12 in any manner with any other list or database except as
13 provided in this Section.

14 (b) Within 180 days of the effective date of this Act, the
15 Department of Public Health, Department of Financial and
16 Professional Regulation, and Department of Agriculture shall
17 together establish a computerized database or verification
18 system. The database or verification system must allow law
19 enforcement personnel and medical cannabis dispensary
20 organization agents to determine whether or not the
21 identification number corresponds with a current, valid
22 registry identification card. The system shall only disclose
23 whether the identification card is valid, whether the
24 cardholder is a registered qualifying patient or a registered
25 designated caregiver, the registry identification number of

1 the registered medical cannabis dispensing organization
2 designated to serve the registered qualifying patient who holds
3 the card, and the registry identification number of the patient
4 who is assisted by a registered designated caregiver who holds
5 the card. The Department of Public Health, the Department of
6 Agriculture, the Department of State Police, and the Department
7 of Financial and Professional Regulation shall not share or
8 disclose any existing or non-existing Illinois or national
9 criminal history record information. Notwithstanding any other
10 requirements established by this subsection, the Department of
11 Public Health shall issue registry cards to qualifying
12 patients, the Department of Financial and Professional
13 Regulation may issue registration to medical cannabis
14 dispensing organizations for the period during which the
15 database is being established, and the Department of
16 Agriculture may issue registration to medical cannabis
17 cultivation organizations for the period during which the
18 database is being established.

19 (c) For the purposes of this Section, "any existing or
20 non-existing Illinois or national criminal history record
21 information" means any Illinois or national criminal history
22 record information, including but not limited to the lack of or
23 non-existence of these records.

24 (Source: P.A. 98-122, eff. 1-1-14.)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 165. Administrative rulemaking.

3 (a) Not later than 120 days after the effective date of
4 this Act, the Department of Public Health, Department of
5 Agriculture, and the Department of Financial and Professional
6 Regulation shall develop rules in accordance to their
7 responsibilities under this Act and file those rules with the
8 Joint Committee on Administrative Rules.

9 (b) The Department of Public Health rules shall address,
10 but not be limited to, the following:

11 (1) fees for applications for registration as a
12 qualified patient or caregiver;

13 (2) establishing the form and content of registration
14 and renewal applications submitted under this Act,
15 including a standard form for written certifications;

16 (3) governing the manner in which it shall consider
17 applications for and renewals of registry identification
18 cards;

19 (4) the manufacture of medical cannabis-infused
20 products;

21 (5) fees for the application and renewal of registry
22 identification cards. Fee revenue may be offset or
23 supplemented by private donations;

24 (6) any other matters as are necessary for the fair,
25 impartial, stringent, and comprehensive administration of
26 this Act; and

1 (7) reasonable rules concerning the medical use of
2 cannabis at a nursing care institution, hospice, assisted
3 living center, assisted living facility, assisted living
4 home, residential care institution, or adult day health
5 care facility.

6 (c) The Department of Agriculture rules shall address, but
7 not be limited to the following related to registered
8 cultivation centers, with the goal of protecting against
9 diversion and theft, without imposing an undue burden on the
10 registered cultivation centers:

11 (1) oversight requirements for registered cultivation
12 centers;

13 (2) recordkeeping requirements for registered
14 cultivation centers;

15 (3) security requirements for registered cultivation
16 centers, which shall include that each registered
17 cultivation center location must be protected by a fully
18 operational security alarm system;

19 (4) rules and standards for what constitutes an
20 enclosed, locked facility under this Act;

21 (5) procedures for suspending or revoking the
22 registration certificates or registry identification cards
23 of registered cultivation centers and their agents that
24 commit violations of the provisions of this Act or the
25 rules adopted under this Section;

26 (6) rules concerning the intrastate transportation of

1 medical cannabis from a cultivation center to a dispensing
2 organization;

3 (7) standards concerning the testing, quality, and
4 cultivation of medical cannabis;

5 (8) any other matters as are necessary for the fair,
6 impartial, stringent, and comprehensive administration of
7 this Act;

8 (9) application and renewal fees for cultivation
9 center agents; and

10 (10) application, renewal, and registration fees for
11 cultivation centers.

12 (d) The Department of Financial and Professional
13 Regulation rules shall address, but not be limited to the
14 following matters related to registered dispensing
15 organizations, with the goal of protecting against diversion
16 and theft, without imposing an undue burden on the registered
17 dispensing organizations or compromising the confidentiality
18 of cardholders:

19 (1) application and renewal and registration fees for
20 dispensing organizations and dispensing organizations
21 agents;

22 (2) medical cannabis dispensing agent-in-charge
23 oversight requirements for dispensing organizations;

24 (3) recordkeeping requirements for dispensing
25 organizations;

26 (4) security requirements for medical cannabis

1 dispensing organizations, which shall include that each
2 registered dispensing organization location must be
3 protected by a fully operational security alarm system;

4 (5) procedures for suspending or revoking ~~suspending~~
5 the registrations of dispensing organizations and
6 dispensing organization agents that commit violations of
7 the provisions of this Act or the rules adopted under this
8 Act;

9 (6) application and renewal fees for dispensing
10 organizations; and

11 (7) application and renewal fees for dispensing
12 organization agents.

13 (e) The Department of Public Health may establish a sliding
14 scale of patient application and renewal fees based upon a
15 qualifying patient's household income. The Department of
16 Public health may accept donations from private sources to
17 reduce application and renewal fees, and registry
18 identification card fees shall include an additional fee set by
19 rule which shall be used to develop and disseminate educational
20 information about the health risks associated with the abuse of
21 cannabis and prescription medications.

22 (f) During the rule-making process, each Department shall
23 make a good faith effort to consult with stakeholders
24 identified in the rule-making analysis as being impacted by the
25 rules, including patients or a representative of an
26 organization advocating on behalf of patients.

1 (g) The Department of Public Health shall develop and
2 disseminate educational information about the health risks
3 associated with the abuse of cannabis and prescription
4 medications.

5 (Source: P.A. 98-122, eff. 1-1-14.)

6 (410 ILCS 130/175)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 175. Administrative hearings.

9 (a) Administrative hearings involving the Department of
10 Public Health, a qualifying patient, or a designated caregiver
11 shall be conducted under the Department of Public Health's
12 rules governing administrative hearings.

13 (b) Administrative hearings involving the Department of
14 Financial and Professional Regulation, dispensing
15 organizations, or dispensing organization agents shall be
16 conducted under the Department of Financial and Professional
17 Regulation's rules governing administrative hearings.

18 (c) Administrative hearings involving the Department of
19 Agriculture, registered cultivation centers, or cultivation
20 center agents shall be conducted under the Department of
21 Agriculture's rules governing administrative hearings. ~~All~~
22 administrative hearings under this Act shall be conducted in
23 accordance with the Department of Public Health's rules
24 governing administrative hearings.

25 (Source: P.A. 98-122, eff. 1-1-14.)

1 (410 ILCS 130/185)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 185. Suspension revocation of a registration.

4 (a) The Department of Agriculture, the Department of
5 Financial and Professional Regulation, and the Department of
6 Public Health may suspend or revoke a registration for
7 violations of this Act and rules issued in accordance with this
8 Section.

9 (b) The suspension or revocation of a registration is a
10 final Department action, subject to judicial review.
11 Jurisdiction and venue for judicial review are vested in the
12 Circuit Court.

13 (Source: P.A. 98-122, eff. 1-1-14.)

14 Section 10. The Illinois Vehicle Code is amended by
15 changing Sections 2-118.1, 6-118, 6-206.1, 6-208.1, 6-514,
16 11-501.1, and 11-501.2 and by adding Sections 2-118.2 and
17 11-501.9 as follows:

18 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

19 Sec. 2-118.1. Opportunity for hearing; statutory summary
20 alcohol or other drug related suspension or revocation pursuant
21 to Section 11-501.1.

22 (a) A statutory summary suspension or revocation of driving
23 privileges under Section 11-501.1 shall not become effective

1 until the person is notified in writing of the impending
2 suspension or revocation and informed that he may request a
3 hearing in the circuit court of venue under paragraph (b) of
4 this Section and the statutory summary suspension or revocation
5 shall become effective as provided in Section 11-501.1.

6 (b) Within 90 days after the notice of statutory summary
7 suspension or revocation served under Section 11-501.1, the
8 person may make a written request for a judicial hearing in the
9 circuit court of venue. The request to the circuit court shall
10 state the grounds upon which the person seeks to have the
11 statutory summary suspension or revocation rescinded. Within
12 30 days after receipt of the written request or the first
13 appearance date on the Uniform Traffic Ticket issued pursuant
14 to a violation of Section 11-501, or a similar provision of a
15 local ordinance, the hearing shall be conducted by the circuit
16 court having jurisdiction. This judicial hearing, request, or
17 process shall not stay or delay the statutory summary
18 suspension or revocation. The hearings shall proceed in the
19 court in the same manner as in other civil proceedings.

20 The hearing may be conducted upon a review of the law
21 enforcement officer's own official reports; provided however,
22 that the person may subpoena the officer. Failure of the
23 officer to answer the subpoena shall be considered grounds for
24 a continuance if in the court's discretion the continuance is
25 appropriate.

26 The scope of the hearing shall be limited to the issues of:

1 1. Whether the person was placed under arrest for an
2 offense as defined in Section 11-501, or a similar
3 provision of a local ordinance, as evidenced by the
4 issuance of a Uniform Traffic Ticket, or issued a Uniform
5 Traffic Ticket out of state as provided in subsection (a)
6 ~~or (a 5)~~ of Section 11-501.1; and

7 2. Whether the officer had reasonable grounds to
8 believe that the person was driving or in actual physical
9 control of a motor vehicle upon a highway while under the
10 influence of alcohol, other drug, or combination of both;
11 and

12 3. Whether the person, after being advised by the
13 officer that the privilege to operate a motor vehicle would
14 be suspended or revoked if the person refused to submit to
15 and complete the test or tests, did refuse to submit to or
16 complete the test or tests to determine the person's blood
17 alcohol or drug concentration ~~authorized under Section~~
18 ~~11-501.1~~; or

19 4. Whether the person, after being advised by the
20 officer that the privilege to operate a motor vehicle would
21 be suspended if the person submits to a chemical test, or
22 tests, and the test discloses an alcohol concentration of
23 0.08 or more, or any amount of a drug, substance, or
24 compound in the person's blood or urine resulting from the
25 unlawful use or consumption of cannabis listed in the
26 Cannabis Control Act, a controlled substance listed in the

1 Illinois Controlled Substances Act, an intoxicating
2 compound as listed in the Use of Intoxicating Compounds
3 Act, or methamphetamine as listed in the Methamphetamine
4 Control and Community Protection Act, and the person did
5 submit to and complete the test or tests that determined an
6 alcohol concentration of 0.08 or more.

7 4.2. (Blank). ~~If the person is a qualifying patient~~
8 ~~licensed under the Compassionate Use of Medical Cannabis~~
9 ~~Pilot Program Act who is in possession of a valid registry~~
10 ~~card issued under that Act, after being advised by the~~
11 ~~officer that the privilege to operate a motor vehicle would~~
12 ~~be suspended or revoked if the person refused to submit to~~
13 ~~and complete the test or tests, did refuse to submit to or~~
14 ~~complete the test or tests authorized under Section~~
15 ~~11-501.1.~~

16 4.5. (Blank). ~~If the person is a qualifying patient~~
17 ~~licensed under the Compassionate Use of Medical Cannabis~~
18 ~~Pilot Program Act who is in possession of a valid registry~~
19 ~~card issued under that Act, whether that person, after~~
20 ~~being advised by the officer that the privilege to operate~~
21 ~~a motor vehicle would be suspended if the person submits to~~
22 ~~a standardized field sobriety test, or tests, and the test~~
23 ~~indicates impairment resulting from the consumption of~~
24 ~~cannabis, did submit to and complete the test or tests that~~
25 ~~indicated impairment.~~

26 5. If the person's driving privileges were revoked,

1 whether the person was involved in a motor vehicle accident
2 that caused Type A injury or death to another.

3 Upon the conclusion of the judicial hearing, the circuit
4 court shall sustain or rescind the statutory summary suspension
5 or revocation and immediately notify the Secretary of State.
6 Reports received by the Secretary of State under this Section
7 shall be privileged information and for use only by the courts,
8 police officers, and Secretary of State.

9 (Source: P.A. 98-122, eff. 1-1-14.)

10 (625 ILCS 5/2-118.2 new)

11 Sec. 2-118.2. Opportunity for hearing; medical
12 cannabis-related suspension under Section 11-501.9.

13 (a) A suspension of driving privileges under Section
14 11-501.9 of this Code shall not become effective until the
15 person is notified in writing of the impending suspension and
16 informed that he or she may request a hearing in the circuit
17 court of venue under subsection (b) of this Section and the
18 suspension shall become effective as provided in Section
19 11-501.9.

20 (b) Within 90 days after the notice of suspension served
21 under Section 11-501.9, the person may make a written request
22 for a judicial hearing in the circuit court of venue. The
23 request to the circuit court shall state the grounds upon which
24 the person seeks to have the suspension rescinded. Within 30
25 days after receipt of the written request or the first

1 appearance date on the Uniform Traffic Ticket issued for a
2 violation of Section 11-501 of this Code, or a similar
3 provision of a local ordinance, the hearing shall be conducted
4 by the circuit court having jurisdiction. This judicial
5 hearing, request, or process shall not stay or delay the
6 suspension. The hearing shall proceed in the court in the same
7 manner as in other civil proceedings.

8 The hearing may be conducted upon a review of the law
9 enforcement officer's own official reports; provided however,
10 that the person may subpoena the officer. Failure of the
11 officer to answer the subpoena shall be considered grounds for
12 a continuance if in the court's discretion the continuance is
13 appropriate.

14 The scope of the hearing shall be limited to the issues of:

15 (1) Whether the person was issued a registry
16 identification card under the Compassionate Use of Medical
17 Cannabis Pilot Program Act; and

18 (2) Whether the officer had reasonable suspicion to
19 believe that the person was driving or in actual physical
20 control of a motor vehicle upon a highway while impaired by
21 the use of cannabis; and

22 (3) Whether the person, after being advised by the
23 officer that the privilege to operate a motor vehicle would
24 be suspended if the person refused to submit to and
25 complete the field sobriety tests, did refuse to submit to
26 or complete the field sobriety tests authorized under

1 Section 11-501.9; and

2 (4) Whether the person after being advised by the
3 officer that the privilege to operate a motor vehicle would
4 be suspended if the person submitted to field sobriety
5 tests that disclosed the person was impaired by the use of
6 cannabis, did submit to field sobriety tests that disclosed
7 that the person was impaired by the use of cannabis.

8 Upon the conclusion of the judicial hearing, the circuit
9 court shall sustain or rescind the suspension and immediately
10 notify the Secretary of State. Reports received by the
11 Secretary of State under this Section shall be privileged
12 information and for use only by the courts, police officers,
13 and Secretary of State.

14 (625 ILCS 5/6-118)

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

16 Sec. 6-118. Fees.

17 (a) The fee for licenses and permits under this Article is
18 as follows:

19 Original driver's license \$30

20 Original or renewal driver's license

21 issued to 18, 19 and 20 year olds 5

22 All driver's licenses for persons

23 age 69 through age 80 5

24 All driver's licenses for persons

25 age 81 through age 86 2

1	All driver's licenses for persons	
2	age 87 or older	0
3	Renewal driver's license (except for	
4	applicants ages 18, 19 and 20 or	
5	age 69 and older)	30
6	Original instruction permit issued to	
7	persons (except those age 69 and older)	
8	who do not hold or have not previously	
9	held an Illinois instruction permit or	
10	driver's license	20
11	Instruction permit issued to any person	
12	holding an Illinois driver's license	
13	who wishes a change in classifications,	
14	other than at the time of renewal	5
15	Any instruction permit issued to a person	
16	age 69 and older	5
17	Instruction permit issued to any person,	
18	under age 69, not currently holding a	
19	valid Illinois driver's license or	
20	instruction permit but who has	
21	previously been issued either document	
22	in Illinois	10
23	Restricted driving permit	8
24	Monitoring device driving permit	8
25	Duplicate or corrected driver's license	
26	or permit	5

1 Duplicate or corrected restricted
2 driving permit 5
3 Duplicate or corrected monitoring
4 device driving permit 5
5 Duplicate driver's license or permit issued to
6 an active-duty member of the
7 United States Armed Forces,
8 the member's spouse, or
9 the dependent children living
10 with the member 0
11 Original or renewal M or L endorsement..... 5

12 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

13 The fees for commercial driver licenses and permits
14 under Article V shall be as follows:

15 Commercial driver's license:

16 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
17 (Commercial Driver's License Information
18 System/American Association of Motor Vehicle
19 Administrators network/National Motor Vehicle
20 Title Information Service Trust Fund);
21 \$20 for the Motor Carrier Safety Inspection Fund;
22 \$10 for the driver's license;
23 and \$24 for the CDL: \$60

24 Renewal commercial driver's license:

25 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
26 \$20 for the Motor Carrier Safety Inspection Fund;

1 \$10 for the driver's license; and
2 \$24 for the CDL: \$60
3 Commercial driver instruction permit
4 issued to any person holding a valid
5 Illinois driver's license for the
6 purpose of changing to a
7 CDL classification: \$6 for the
8 CDLIS/AAMVAnet/NMVTIS Trust Fund;
9 \$20 for the Motor Carrier
10 Safety Inspection Fund; and
11 \$24 for the CDL classification \$50
12 Commercial driver instruction permit
13 issued to any person holding a valid
14 Illinois CDL for the purpose of
15 making a change in a classification,
16 endorsement or restriction \$5
17 CDL duplicate or corrected license \$5

18 In order to ensure the proper implementation of the Uniform
19 Commercial Driver License Act, Article V of this Chapter, the
20 Secretary of State is empowered to pro-rate the \$24 fee for the
21 commercial driver's license proportionate to the expiration
22 date of the applicant's Illinois driver's license.

23 The fee for any duplicate license or permit shall be waived
24 for any person who presents the Secretary of State's office
25 with a police report showing that his license or permit was
26 stolen.

1 The fee for any duplicate license or permit shall be waived
2 for any person age 60 or older whose driver's license or permit
3 has been lost or stolen.

4 No additional fee shall be charged for a driver's license,
5 or for a commercial driver's license, when issued to the holder
6 of an instruction permit for the same classification or type of
7 license who becomes eligible for such license.

8 (b) Any person whose license or privilege to operate a
9 motor vehicle in this State has been suspended or revoked under
10 Section 3-707, any provision of Chapter 6, Chapter 11, or
11 Section 7-205, 7-303, or 7-702 of the Family Financial
12 Responsibility Law of this Code, shall in addition to any other
13 fees required by this Code, pay a reinstatement fee as follows:

14	Suspension under Section 3-707	\$100
15	Summary suspension under Section 11-501.1	\$250
16	<u>Suspension under Section 11-501.9</u>	<u>\$250</u>
17	Summary revocation under Section 11-501.1	\$500
18	Other suspension	\$70
19	Revocation	\$500

20 However, any person whose license or privilege to operate a
21 motor vehicle in this State has been suspended or revoked for a
22 second or subsequent time for a violation of Section 11-501, ~~or~~
23 11-501.1, or 11-501.9 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense or Section
25 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
26 and each suspension or revocation was for a violation of

1 Section 11-501, ~~or~~ 11-501.1, or 11-501.9 of this Code or a
 2 similar provision of a local ordinance or a similar
 3 out-of-state offense or Section 9-3 of the Criminal Code of
 4 1961 or the Criminal Code of 2012 shall pay, in addition to any
 5 other fees required by this Code, a reinstatement fee as
 6 follows:

7	Summary suspension under Section 11-501.1	\$500
8	<u>Suspension under Section 11-501.9</u>	<u>\$500</u>
9	Summary revocation under Section 11-501.1	\$500
10	Revocation	\$500

11 (c) All fees collected under the provisions of this Chapter
 12 6 shall be paid into the Road Fund in the State Treasury except
 13 as follows:

14 1. The following amounts shall be paid into the Driver
 15 Education Fund:

16 (A) \$16 of the \$20 fee for an original driver's
 17 instruction permit;

18 (B) \$5 of the \$30 fee for an original driver's
 19 license;

20 (C) \$5 of the \$30 fee for a 4 year renewal driver's
 21 license;

22 (D) \$4 of the \$8 fee for a restricted driving
 23 permit; and

24 (E) \$4 of the \$8 fee for a monitoring device
 25 driving permit.

26 2. \$30 of the \$250 fee for reinstatement of a license

1 summarily suspended under Section 11-501.1 or suspended
2 under Section 11-501.9 shall be deposited into the Drunk
3 and Drugged Driving Prevention Fund. However, for a person
4 whose license or privilege to operate a motor vehicle in
5 this State has been suspended or revoked for a second or
6 subsequent time for a violation of Section 11-501, ~~or~~
7 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
9 the \$500 fee for reinstatement of a license summarily
10 suspended under Section 11-501.1 or suspended under
11 Section 11-501.9, and \$190 of the \$500 fee for
12 reinstatement of a revoked license shall be deposited into
13 the Drunk and Drugged Driving Prevention Fund. \$190 of the
14 \$500 fee for reinstatement of a license summarily revoked
15 pursuant to Section 11-501.1 shall be deposited into the
16 Drunk and Drugged Driving Prevention Fund.

17 3. \$6 of such original or renewal fee for a commercial
18 driver's license and \$6 of the commercial driver
19 instruction permit fee when such permit is issued to any
20 person holding a valid Illinois driver's license, shall be
21 paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

22 4. \$30 of the \$70 fee for reinstatement of a license
23 suspended under the Family Financial Responsibility Law
24 shall be paid into the Family Responsibility Fund.

25 5. The \$5 fee for each original or renewal M or L
26 endorsement shall be deposited into the Cycle Rider Safety

1 Training Fund.

2 6. \$20 of any original or renewal fee for a commercial
3 driver's license or commercial driver instruction permit
4 shall be paid into the Motor Carrier Safety Inspection
5 Fund.

6 7. The following amounts shall be paid into the General
7 Revenue Fund:

8 (A) \$190 of the \$250 reinstatement fee for a
9 summary suspension under Section 11-501.1 or a
10 suspension under Section 11-501.9;

11 (B) \$40 of the \$70 reinstatement fee for any other
12 suspension provided in subsection (b) of this Section;
13 and

14 (C) \$440 of the \$500 reinstatement fee for a first
15 offense revocation and \$310 of the \$500 reinstatement
16 fee for a second or subsequent revocation.

17 (d) All of the proceeds of the additional fees imposed by
18 this amendatory Act of the 96th General Assembly shall be
19 deposited into the Capital Projects Fund.

20 (e) The additional fees imposed by this amendatory Act of
21 the 96th General Assembly shall become effective 90 days after
22 becoming law.

23 (f) As used in this Section, "active-duty member of the
24 United States Armed Forces" means a member of the Armed
25 Services or Reserve Forces of the United States or a member of
26 the Illinois National Guard who is called to active duty

1 pursuant to an executive order of the President of the United
2 States, an act of the Congress of the United States, or an
3 order of the Governor.

4 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
5 98-177, eff. 1-1-14; 98-756, eff. 7-16-14.)

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

7 Sec. 6-118. Fees.

8 (a) The fee for licenses and permits under this Article is
9 as follows:

10	Original driver's license	\$30
11	Original or renewal driver's license	
12	issued to 18, 19 and 20 year olds	5
13	All driver's licenses for persons	
14	age 69 through age 80	5
15	All driver's licenses for persons	
16	age 81 through age 86	2
17	All driver's licenses for persons	
18	age 87 or older	0
19	Renewal driver's license (except for	
20	applicants ages 18, 19 and 20 or	
21	age 69 and older)	30
22	Original instruction permit issued to	
23	persons (except those age 69 and older)	
24	who do not hold or have not previously	
25	held an Illinois instruction permit or	

1 driver's license 20

2 Instruction permit issued to any person

3 holding an Illinois driver's license

4 who wishes a change in classifications,

5 other than at the time of renewal 5

6 Any instruction permit issued to a person

7 age 69 and older 5

8 Instruction permit issued to any person,

9 under age 69, not currently holding a

10 valid Illinois driver's license or

11 instruction permit but who has

12 previously been issued either document

13 in Illinois 10

14 Restricted driving permit 8

15 Monitoring device driving permit 8

16 Duplicate or corrected driver's license

17 or permit 5

18 Duplicate or corrected restricted

19 driving permit 5

20 Duplicate or corrected monitoring

21 device driving permit 5

22 Duplicate driver's license or permit issued to

23 an active-duty member of the

24 United States Armed Forces,

25 the member's spouse, or

26 the dependent children living

1 with the member 0

2 Original or renewal M or L endorsement..... 5

3 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

4 The fees for commercial driver licenses and permits
5 under Article V shall be as follows:

6 Commercial driver's license:

7 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund

8 (Commercial Driver's License Information

9 System/American Association of Motor Vehicle

10 Administrators network/National Motor Vehicle

11 Title Information Service Trust Fund);

12 \$20 for the Motor Carrier Safety Inspection Fund;

13 \$10 for the driver's license;

14 and \$24 for the CDL: \$60

15 Renewal commercial driver's license:

16 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;

17 \$20 for the Motor Carrier Safety Inspection Fund;

18 \$10 for the driver's license; and

19 \$24 for the CDL: \$60

20 Commercial learner's permit

21 issued to any person holding a valid

22 Illinois driver's license for the

23 purpose of changing to a

24 CDL classification: \$6 for the

25 CDLIS/AAMVAnet/NMVTIS Trust Fund;

26 \$20 for the Motor Carrier

1	Safety Inspection Fund; and	
2	\$24 for the CDL classification	\$50
3	Commercial learner's permit	
4	issued to any person holding a valid	
5	Illinois CDL for the purpose of	
6	making a change in a classification,	
7	endorsement or restriction	\$5
8	CDL duplicate or corrected license	\$5

9 In order to ensure the proper implementation of the Uniform
10 Commercial Driver License Act, Article V of this Chapter, the
11 Secretary of State is empowered to pro-rate the \$24 fee for the
12 commercial driver's license proportionate to the expiration
13 date of the applicant's Illinois driver's license.

14 The fee for any duplicate license or permit shall be waived
15 for any person who presents the Secretary of State's office
16 with a police report showing that his license or permit was
17 stolen.

18 The fee for any duplicate license or permit shall be waived
19 for any person age 60 or older whose driver's license or permit
20 has been lost or stolen.

21 No additional fee shall be charged for a driver's license,
22 or for a commercial driver's license, when issued to the holder
23 of an instruction permit for the same classification or type of
24 license who becomes eligible for such license.

25 (b) Any person whose license or privilege to operate a
26 motor vehicle in this State has been suspended or revoked under

1 Section 3-707, any provision of Chapter 6, Chapter 11, or
 2 Section 7-205, 7-303, or 7-702 of the Family Financial
 3 Responsibility Law of this Code, shall in addition to any other
 4 fees required by this Code, pay a reinstatement fee as follows:

5	Suspension under Section 3-707	\$100
6	Summary suspension under Section 11-501.1	\$250
7	<u>Suspension under Section 11-501.9</u>	<u>\$250</u>
8	Summary revocation under Section 11-501.1	\$500
9	Other suspension	\$70
10	Revocation	\$500

11 However, any person whose license or privilege to operate a
 12 motor vehicle in this State has been suspended or revoked for a
 13 second or subsequent time for a violation of Section 11-501, ~~or~~
 14 11-501.1, or 11-501.9 of this Code or a similar provision of a
 15 local ordinance or a similar out-of-state offense or Section
 16 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
 17 and each suspension or revocation was for a violation of
 18 Section 11-501, ~~or~~ 11-501.1, or 11-501.9 of this Code or a
 19 similar provision of a local ordinance or a similar
 20 out-of-state offense or Section 9-3 of the Criminal Code of
 21 1961 or the Criminal Code of 2012 shall pay, in addition to any
 22 other fees required by this Code, a reinstatement fee as
 23 follows:

24	Summary suspension under Section 11-501.1	\$500
25	<u>Suspension under Section 11-501.9</u>	<u>\$500</u>
26	Summary revocation under Section 11-501.1	\$500

1 Revocation \$500

2 (c) All fees collected under the provisions of this Chapter
3 6 shall be paid into the Road Fund in the State Treasury except
4 as follows:

5 1. The following amounts shall be paid into the Driver
6 Education Fund:

7 (A) \$16 of the \$20 fee for an original driver's
8 instruction permit;

9 (B) \$5 of the \$30 fee for an original driver's
10 license;

11 (C) \$5 of the \$30 fee for a 4 year renewal driver's
12 license;

13 (D) \$4 of the \$8 fee for a restricted driving
14 permit; and

15 (E) \$4 of the \$8 fee for a monitoring device
16 driving permit.

17 2. \$30 of the \$250 fee for reinstatement of a license
18 summarily suspended under Section 11-501.1 or suspended
19 under Section 11-501.9 shall be deposited into the Drunk
20 and Drugged Driving Prevention Fund. However, for a person
21 whose license or privilege to operate a motor vehicle in
22 this State has been suspended or revoked for a second or
23 subsequent time for a violation of Section 11-501, ~~or~~
24 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
26 the \$500 fee for reinstatement of a license summarily

1 suspended under Section 11-501.1 or suspended under
2 Section 11-501.9, and \$190 of the \$500 fee for
3 reinstatement of a revoked license shall be deposited into
4 the Drunk and Drugged Driving Prevention Fund. \$190 of the
5 \$500 fee for reinstatement of a license summarily revoked
6 pursuant to Section 11-501.1 shall be deposited into the
7 Drunk and Drugged Driving Prevention Fund.

8 3. \$6 of the original or renewal fee for a commercial
9 driver's license and \$6 of the commercial learner's permit
10 fee when the permit is issued to any person holding a valid
11 Illinois driver's license, shall be paid into the
12 CDLIS/AAMVAnet/NMVTIS Trust Fund.

13 4. \$30 of the \$70 fee for reinstatement of a license
14 suspended under the Family Financial Responsibility Law
15 shall be paid into the Family Responsibility Fund.

16 5. The \$5 fee for each original or renewal M or L
17 endorsement shall be deposited into the Cycle Rider Safety
18 Training Fund.

19 6. \$20 of any original or renewal fee for a commercial
20 driver's license or commercial learner's permit shall be
21 paid into the Motor Carrier Safety Inspection Fund.

22 7. The following amounts shall be paid into the General
23 Revenue Fund:

24 (A) \$190 of the \$250 reinstatement fee for a
25 summary suspension under Section 11-501.1 or a
26 suspension under Section 11-501.9;

1 (B) \$40 of the \$70 reinstatement fee for any other
2 suspension provided in subsection (b) of this Section;
3 and

4 (C) \$440 of the \$500 reinstatement fee for a first
5 offense revocation and \$310 of the \$500 reinstatement
6 fee for a second or subsequent revocation.

7 (d) All of the proceeds of the additional fees imposed by
8 this amendatory Act of the 96th General Assembly shall be
9 deposited into the Capital Projects Fund.

10 (e) The additional fees imposed by this amendatory Act of
11 the 96th General Assembly shall become effective 90 days after
12 becoming law.

13 (f) As used in this Section, "active-duty member of the
14 United States Armed Forces" means a member of the Armed
15 Services or Reserve Forces of the United States or a member of
16 the Illinois National Guard who is called to active duty
17 pursuant to an executive order of the President of the United
18 States, an act of the Congress of the United States, or an
19 order of the Governor.

20 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
21 98-176, eff. 7-8-15 (see Section 10 of P.A. 98-722 for the
22 effective date of changes made by P.A. 98-176); 98-177, eff.
23 1-1-14; 98-756, eff. 7-16-14.)

24 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)
25 Sec. 6-206.1. Monitoring Device Driving Permit.

1 Declaration of Policy. It is hereby declared a policy of the
2 State of Illinois that the driver who is impaired by alcohol,
3 other drug or drugs, or intoxicating compound or compounds is a
4 threat to the public safety and welfare. Therefore, to provide
5 a deterrent to such practice, a statutory summary driver's
6 license suspension is appropriate. It is also recognized that
7 driving is a privilege and therefore, that the granting of
8 driving privileges, in a manner consistent with public safety,
9 is warranted during the period of suspension in the form of a
10 monitoring device driving permit. A person who drives and fails
11 to comply with the requirements of the monitoring device
12 driving permit commits a violation of Section 6-303 of this
13 Code.

14 The following procedures shall apply whenever a first
15 offender, as defined in Section 11-500 of this Code, is
16 arrested for any offense as defined in Section 11-501 or a
17 similar provision of a local ordinance and is subject to the
18 provisions of Section 11-501.1:

19 (a) Upon mailing of the notice of suspension of driving
20 privileges as provided in subsection (h) of Section 11-501.1 of
21 this Code, the Secretary shall also send written notice
22 informing the person that he or she will be issued a monitoring
23 device driving permit (MDDP). The notice shall include, at
24 minimum, information summarizing the procedure to be followed
25 for issuance of the MDDP, installation of the breath alcohol
26 ignition installation device (BAIID), as provided in this

1 Section, exemption from BAIID installation requirements, and
2 procedures to be followed by those seeking indigent status, as
3 provided in this Section. The notice shall also include
4 information summarizing the procedure to be followed if the
5 person wishes to decline issuance of the MDDP. A copy of the
6 notice shall also be sent to the court of venue together with
7 the notice of suspension of driving privileges, as provided in
8 subsection (h) of Section 11-501. However, a MDDP shall not be
9 issued if the Secretary finds that:

10 (1) the offender's driver's license is otherwise
11 invalid;

12 (2) death or great bodily harm to another resulted from
13 the arrest for Section 11-501;

14 (3) the offender has been previously convicted of
15 reckless homicide or aggravated driving under the
16 influence involving death;

17 (4) the offender is less than 18 years of age; or

18 (5) the offender is a qualifying patient licensed under
19 the Compassionate Use of Medical Cannabis Pilot Program Act
20 who is in possession of a valid registry card issued under
21 that Act and refused to submit to standardized field
22 sobriety tests as required by subsection (a) ~~(a-5)~~ of
23 Section 11-501.9 ~~11-501.1~~ or did submit to testing which
24 disclosed the person was impaired by the use of cannabis
25 ~~and failed the test or tests.~~

26 Any offender participating in the MDDP program must pay the

1 Secretary a MDDP Administration Fee in an amount not to exceed
2 \$30 per month, to be deposited into the Monitoring Device
3 Driving Permit Administration Fee Fund. The Secretary shall
4 establish by rule the amount and the procedures, terms, and
5 conditions relating to these fees. The offender must have an
6 ignition interlock device installed within 14 days of the date
7 the Secretary issues the MDDP. The ignition interlock device
8 provider must notify the Secretary, in a manner and form
9 prescribed by the Secretary, of the installation. If the
10 Secretary does not receive notice of installation, the
11 Secretary shall cancel the MDDP.

12 A MDDP shall not become effective prior to the 31st day of
13 the original statutory summary suspension.

14 Upon receipt of the notice, as provided in paragraph (a) of
15 this Section, the person may file a petition to decline
16 issuance of the MDDP with the court of venue. The court shall
17 admonish the offender of all consequences of declining issuance
18 of the MDDP including, but not limited to, the enhanced
19 penalties for driving while suspended. After being so
20 admonished, the offender shall be permitted, in writing, to
21 execute a notice declining issuance of the MDDP. This notice
22 shall be filed with the court and forwarded by the clerk of the
23 court to the Secretary. The offender may, at any time
24 thereafter, apply to the Secretary for issuance of a MDDP.

25 (a-1) A person issued a MDDP may drive for any purpose and
26 at any time, subject to the rules adopted by the Secretary

1 under subsection (g). The person must, at his or her own
2 expense, drive only vehicles equipped with an ignition
3 interlock device as defined in Section 1-129.1, but in no event
4 shall such person drive a commercial motor vehicle.

5 (a-2) Persons who are issued a MDDP and must drive
6 employer-owned vehicles in the course of their employment
7 duties may seek permission to drive an employer-owned vehicle
8 that does not have an ignition interlock device. The employer
9 shall provide to the Secretary a form, as prescribed by the
10 Secretary, completed by the employer verifying that the
11 employee must drive an employer-owned vehicle in the course of
12 employment. If approved by the Secretary, the form must be in
13 the driver's possession while operating an employer-owner
14 vehicle not equipped with an ignition interlock device. No
15 person may use this exemption to drive a school bus, school
16 vehicle, or a vehicle designed to transport more than 15
17 passengers. No person may use this exemption to drive an
18 employer-owned motor vehicle that is owned by an entity that is
19 wholly or partially owned by the person holding the MDDP, or by
20 a family member of the person holding the MDDP. No person may
21 use this exemption to drive an employer-owned vehicle that is
22 made available to the employee for personal use. No person may
23 drive the exempted vehicle more than 12 hours per day, 6 days
24 per week.

25 (a-3) Persons who are issued a MDDP and who must drive a
26 farm tractor to and from a farm, within 50 air miles from the

1 originating farm are exempt from installation of a BAIID on the
2 farm tractor, so long as the farm tractor is being used for the
3 exclusive purpose of conducting farm operations.

4 (b) (Blank).

5 (c) (Blank).

6 (c-1) If the holder of the MDDP is convicted of or receives
7 court supervision for a violation of Section 6-206.2, 6-303,
8 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
9 provision of a local ordinance or a similar out-of-state
10 offense or is convicted of or receives court supervision for
11 any offense for which alcohol or drugs is an element of the
12 offense and in which a motor vehicle was involved (for an
13 arrest other than the one for which the MDDP is issued), or
14 de-installs the BAIID without prior authorization from the
15 Secretary, the MDDP shall be cancelled.

16 (c-5) If the Secretary determines that the person seeking
17 the MDDP is indigent, the Secretary shall provide the person
18 with a written document as evidence of that determination, and
19 the person shall provide that written document to an ignition
20 interlock device provider. The provider shall install an
21 ignition interlock device on that person's vehicle without
22 charge to the person, and seek reimbursement from the Indigent
23 BAIID Fund. If the Secretary has deemed an offender indigent,
24 the BAIID provider shall also provide the normal monthly
25 monitoring services and the de-installation without charge to
26 the offender and seek reimbursement from the Indigent BAIID

1 Fund. Any other monetary charges, such as a lockout fee or
2 reset fee, shall be the responsibility of the MDDP holder. A
3 BAIID provider may not seek a security deposit from the
4 Indigent BAIID Fund.

5 (d) MDDP information shall be available only to the courts,
6 police officers, and the Secretary, except during the actual
7 period the MDDP is valid, during which time it shall be a
8 public record.

9 (e) (Blank).

10 (f) (Blank).

11 (g) The Secretary shall adopt rules for implementing this
12 Section. The rules adopted shall address issues including, but
13 not limited to: compliance with the requirements of the MDDP;
14 methods for determining compliance with those requirements;
15 the consequences of noncompliance with those requirements;
16 what constitutes a violation of the MDDP; methods for
17 determining indigency; and the duties of a person or entity
18 that supplies the ignition interlock device.

19 (h) The rules adopted under subsection (g) shall provide,
20 at a minimum, that the person is not in compliance with the
21 requirements of the MDDP if he or she:

22 (1) tampers or attempts to tamper with or circumvent
23 the proper operation of the ignition interlock device;

24 (2) provides valid breath samples that register blood
25 alcohol levels in excess of the number of times allowed
26 under the rules;

1 (3) fails to provide evidence sufficient to satisfy the
2 Secretary that the ignition interlock device has been
3 installed in the designated vehicle or vehicles; or

4 (4) fails to follow any other applicable rules adopted
5 by the Secretary.

6 (i) Any person or entity that supplies an ignition
7 interlock device as provided under this Section shall, in
8 addition to supplying only those devices which fully comply
9 with all the rules adopted under subsection (g), provide the
10 Secretary, within 7 days of inspection, all monitoring reports
11 of each person who has had an ignition interlock device
12 installed. These reports shall be furnished in a manner or form
13 as prescribed by the Secretary.

14 (j) Upon making a determination that a violation of the
15 requirements of the MDDP has occurred, the Secretary shall
16 extend the summary suspension period for an additional 3 months
17 beyond the originally imposed summary suspension period,
18 during which time the person shall only be allowed to drive
19 vehicles equipped with an ignition interlock device; provided
20 further there are no limitations on the total number of times
21 the summary suspension may be extended. The Secretary may,
22 however, limit the number of extensions imposed for violations
23 occurring during any one monitoring period, as set forth by
24 rule. Any person whose summary suspension is extended pursuant
25 to this Section shall have the right to contest the extension
26 through a hearing with the Secretary, pursuant to Section 2-118

1 of this Code. If the summary suspension has already terminated
2 prior to the Secretary receiving the monitoring report that
3 shows a violation, the Secretary shall be authorized to suspend
4 the person's driving privileges for 3 months, provided that the
5 Secretary may, by rule, limit the number of suspensions to be
6 entered pursuant to this paragraph for violations occurring
7 during any one monitoring period. Any person whose license is
8 suspended pursuant to this paragraph, after the summary
9 suspension had already terminated, shall have the right to
10 contest the suspension through a hearing with the Secretary,
11 pursuant to Section 2-118 of this Code. The only permit the
12 person shall be eligible for during this new suspension period
13 is a MDDP.

14 (k) A person who has had his or her summary suspension
15 extended for the third time, or has any combination of 3
16 extensions and new suspensions, entered as a result of a
17 violation that occurred while holding the MDDP, so long as the
18 extensions and new suspensions relate to the same summary
19 suspension, shall have his or her vehicle impounded for a
20 period of 30 days, at the person's own expense. A person who
21 has his or her summary suspension extended for the fourth time,
22 or has any combination of 4 extensions and new suspensions,
23 entered as a result of a violation that occurred while holding
24 the MDDP, so long as the extensions and new suspensions relate
25 to the same summary suspension, shall have his or her vehicle
26 subject to seizure and forfeiture. The Secretary shall notify

1 the prosecuting authority of any third or fourth extensions or
2 new suspension entered as a result of a violation that occurred
3 while the person held a MDDP. Upon receipt of the notification,
4 the prosecuting authority shall impound or forfeit the vehicle.
5 The impoundment or forfeiture of a vehicle shall be conducted
6 pursuant to the procedure specified in Article 36 of the
7 Criminal Code of 2012.

8 (l) A person whose driving privileges have been suspended
9 under Section 11-501.1 of this Code and who had a MDDP that was
10 cancelled, or would have been cancelled had notification of a
11 violation been received prior to expiration of the MDDP,
12 pursuant to subsection (c-1) of this Section, shall not be
13 eligible for reinstatement when the summary suspension is
14 scheduled to terminate. Instead, the person's driving
15 privileges shall be suspended for a period of not less than
16 twice the original summary suspension period, or for the length
17 of any extensions entered under subsection (j), whichever is
18 longer. During the period of suspension, the person shall be
19 eligible only to apply for a restricted driving permit. If a
20 restricted driving permit is granted, the offender may only
21 operate vehicles equipped with a BAIID in accordance with this
22 Section.

23 (m) Any person or entity that supplies an ignition
24 interlock device under this Section shall, for each ignition
25 interlock device installed, pay 5% of the total gross revenue
26 received for the device, including monthly monitoring fees,

1 into the Indigent BAIID Fund. This 5% shall be clearly
2 indicated as a separate surcharge on each invoice that is
3 issued. The Secretary shall conduct an annual review of the
4 fund to determine whether the surcharge is sufficient to
5 provide for indigent users. The Secretary may increase or
6 decrease this surcharge requirement as needed.

7 (n) Any person or entity that supplies an ignition
8 interlock device under this Section that is requested to
9 provide an ignition interlock device to a person who presents
10 written documentation of indigency from the Secretary, as
11 provided in subsection (c-5) of this Section, shall install the
12 device on the person's vehicle without charge to the person and
13 shall seek reimbursement from the Indigent BAIID Fund.

14 (o) The Indigent BAIID Fund is created as a special fund in
15 the State treasury. The Secretary shall, subject to
16 appropriation by the General Assembly, use all money in the
17 Indigent BAIID Fund to reimburse ignition interlock device
18 providers who have installed devices in vehicles of indigent
19 persons. The Secretary shall make payments to such providers
20 every 3 months. If the amount of money in the fund at the time
21 payments are made is not sufficient to pay all requests for
22 reimbursement submitted during that 3 month period, the
23 Secretary shall make payments on a pro-rata basis, and those
24 payments shall be considered payment in full for the requests
25 submitted.

26 (p) The Monitoring Device Driving Permit Administration

1 Fee Fund is created as a special fund in the State treasury.
2 The Secretary shall, subject to appropriation by the General
3 Assembly, use the money paid into this fund to offset its
4 administrative costs for administering MDDPs.

5 (q) The Secretary is authorized to prescribe such forms as
6 it deems necessary to carry out the provisions of this Section.
7 (Source: P.A. 97-229, eff. 7-28-11; 97-813, eff. 7-13-12;
8 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1015, eff.
9 8-22-14.)

10 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

11 Sec. 6-208.1. Period of statutory summary alcohol, other
12 drug, or intoxicating compound related suspension or
13 revocation.

14 (a) Unless the statutory summary suspension has been
15 rescinded, any person whose privilege to drive a motor vehicle
16 on the public highways has been summarily suspended, pursuant
17 to Section 11-501.1, shall not be eligible for restoration of
18 the privilege until the expiration of:

19 1. twelve months from the effective date of the
20 statutory summary suspension for a refusal or failure to
21 complete a test or tests to determine the alcohol, other
22 drug, or intoxicating compound concentration ~~authorized~~
23 under Section 11-501.1, if the person was not involved in a
24 motor vehicle accident that caused personal injury or death
25 to another; or

1 2. six months from the effective date of the statutory
2 summary suspension imposed following the person's
3 submission to a chemical test which disclosed an alcohol
4 concentration of 0.08 or more, or any amount of a drug,
5 substance, or intoxicating compound in such person's
6 breath, blood, or urine resulting from the unlawful use or
7 consumption of cannabis listed in the Cannabis Control Act,
8 a controlled substance listed in the Illinois Controlled
9 Substances Act, an intoxicating compound listed in the Use
10 of Intoxicating Compounds Act, or methamphetamine as
11 listed in the Methamphetamine Control and Community
12 Protection Act, pursuant to Section 11-501.1; or

13 3. three years from the effective date of the statutory
14 summary suspension for any person other than a first
15 offender who refuses or fails to complete a test or tests
16 to determine the alcohol, drug, or intoxicating compound
17 concentration pursuant to Section 11-501.1; or

18 4. one year from the effective date of the summary
19 suspension imposed for any person other than a first
20 offender following submission to a chemical test which
21 disclosed an alcohol concentration of 0.08 or more pursuant
22 to Section 11-501.1 or any amount of a drug, substance or
23 compound in such person's blood or urine resulting from the
24 unlawful use or consumption of cannabis listed in the
25 Cannabis Control Act, a controlled substance listed in the
26 Illinois Controlled Substances Act, an intoxicating

1 compound listed in the Use of Intoxicating Compounds Act,
2 or methamphetamine as listed in the Methamphetamine
3 Control and Community Protection Act; or

4 5. (Blank). ~~six months from the effective date of the~~
5 ~~statutory summary suspension imposed for any person~~
6 ~~following submission to a standardized field sobriety test~~
7 ~~that disclosed impairment if the person is a qualifying~~
8 ~~patient licensed under the Compassionate Use of Medical~~
9 ~~Cannabis Pilot Program Act who is in possession of a valid~~
10 ~~registry card issued under that Act and submitted to~~
11 ~~testing under subsection (a-5) of Section 11-501.1.~~

12 (b) Following a statutory summary suspension of the
13 privilege to drive a motor vehicle under Section 11-501.1,
14 driving privileges shall be restored unless the person is
15 otherwise suspended, revoked, or cancelled by this Code. If the
16 court has reason to believe that the person's driving privilege
17 should not be restored, the court shall notify the Secretary of
18 State prior to the expiration of the statutory summary
19 suspension so appropriate action may be taken pursuant to this
20 Code.

21 (c) Driving privileges may not be restored until all
22 applicable reinstatement fees, as provided by this Code, have
23 been paid to the Secretary of State and the appropriate entry
24 made to the driver's record.

25 (d) Where a driving privilege has been summarily suspended
26 or revoked under Section 11-501.1 and the person is

1 subsequently convicted of violating Section 11-501, or a
2 similar provision of a local ordinance, for the same incident,
3 any period served on statutory summary suspension or revocation
4 shall be credited toward the minimum period of revocation of
5 driving privileges imposed pursuant to Section 6-205.

6 (e) A first offender who refused chemical testing and whose
7 driving privileges were summarily revoked pursuant to Section
8 11-501.1 shall not be eligible for a monitoring device driving
9 permit, but may make application for reinstatement or for a
10 restricted driving permit after a period of one year has
11 elapsed from the effective date of the revocation.

12 (f) (Blank).

13 (g) Following a statutory summary suspension of driving
14 privileges pursuant to Section 11-501.1 where the person was
15 not a first offender, as defined in Section 11-500, the
16 Secretary of State may not issue a restricted driving permit.

17 (h) (Blank).

18 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;
19 98-1015, eff. 8-22-14.)

20 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

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

22 Sec. 6-514. Commercial driver's license (CDL); commercial
23 learner's permit (CLP); disqualifications.

24 (a) A person shall be disqualified from driving a
25 commercial motor vehicle for a period of not less than 12

1 months for the first violation of:

2 (1) Refusing to submit to or failure to complete a test
3 or tests to determine the driver's blood concentration of
4 alcohol, other drug, or both ~~authorized under Section~~
5 ~~11-501.1~~ while driving a commercial motor vehicle or, if
6 the driver is a CDL holder, while driving a non-CMV; or

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

1 verified evidence while holding a commercial driver's
2 license; or

3 (3) Conviction for a first violation of:

4 (i) Driving a commercial motor vehicle or, if the
5 driver is a CDL holder, driving a non-CMV while under
6 the influence of alcohol, or any other drug, or
7 combination of drugs to a degree which renders such
8 person incapable of safely driving; or

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

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

15 (iv) Driving a commercial motor vehicle while the
16 person's driving privileges or driver's license or
17 permit is revoked, suspended, or cancelled or the
18 driver is disqualified from operating a commercial
19 motor vehicle; or

20 (v) Causing a fatality through the negligent
21 operation of a commercial motor vehicle, including but
22 not limited to the crimes of motor vehicle
23 manslaughter, homicide by a motor vehicle, and
24 negligent homicide.

25 As used in this subdivision (a)(3)(v), "motor
26 vehicle manslaughter" means the offense of involuntary

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

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

16 (4) (Blank). ~~If the person is a qualifying patient~~
17 ~~licensed under the Compassionate Use of Medical Cannabis~~
18 ~~Pilot Program Act who is in possession of a valid registry~~
19 ~~card issued under that Act, operating a commercial motor~~
20 ~~vehicle under impairment resulting from the consumption of~~
21 ~~cannabis, as determined by failure of standardized field~~
22 ~~sobriety tests administered by a law enforcement officer as~~
23 ~~directed by subsection (a-5) of Section 11-501.2.~~

24 (b) A person is disqualified for life for a second
25 conviction of any of the offenses specified in paragraph (a),
26 or any combination of those offenses, arising from 2 or more

1 separate incidents.

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

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

19 (e) A person is disqualified from driving a commercial
20 motor vehicle for a period of not less than 2 months if
21 convicted of 2 serious traffic violations, committed in a
22 commercial motor vehicle, non-CMV while holding a CDL, or any
23 combination thereof, arising from separate incidents,
24 occurring within a 3 year period, provided the serious traffic
25 violation committed in a non-CMV would result in the suspension
26 or revocation of the CDL holder's non-CMV privileges. However,

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

12 (e-1) (Blank).

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

18 (g) After suspending, revoking, or cancelling a commercial
19 driver's license, the Secretary of State must update the
20 driver's records to reflect such action within 10 days. After
21 suspending or revoking the driving privilege of any person who
22 has been issued a CDL or commercial driver instruction permit
23 from another jurisdiction, the Secretary shall originate
24 notification to such issuing jurisdiction within 10 days.

25 (h) The "disqualifications" referred to in this Section
26 shall not be imposed upon any commercial motor vehicle driver,

1 by the Secretary of State, unless the prohibited action(s)
2 occurred after March 31, 1992.

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

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

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

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

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

25 (5) For 3 years upon a second conviction of paragraph
26 (3) of subsection (b) or subsection (b-5) 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 (3) of subsection (b) or (b-5).

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

12 (j) Disqualification for railroad-highway grade crossing
13 violation.

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

22 (i) For drivers who are not required to always
23 stop, failing to slow down and check that the tracks
24 are clear of an approaching train or railroad track
25 equipment, as described in subsection (a-5) of Section
26 11-1201 of this Code;

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

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

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

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

16 (vi) For all drivers, failing to negotiate a
17 crossing because of insufficient undercarriage
18 clearance, as described in subsection (d-1) of Section
19 11-1201 of this Code.

20 (2) Duration of disqualification for railroad-highway
21 grade crossing violation.

22 (i) First violation. A driver must be disqualified
23 from operating a commercial motor vehicle for not less
24 than 60 days if the driver is convicted of a violation
25 described in paragraph (1) of this subsection (j) and,
26 in the three-year period preceding the conviction, the

1 driver had no convictions for a violation described in
2 paragraph (1) of this subsection (j).

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

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

21 (k) Upon notification of a disqualification of a driver's
22 commercial motor vehicle privileges imposed by the U.S.
23 Department of Transportation, Federal Motor Carrier Safety
24 Administration, in accordance with 49 C.F.R. 383.52, the
25 Secretary of State shall immediately record to the driving
26 record the notice of disqualification and confirm to the driver

1 the action that has been taken.

2 (1) A foreign commercial driver is subject to
3 disqualification under this Section.

4 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
5 98-122, eff. 1-1-14; 98-722, eff. 7-16-14; 98-756, eff.
6 7-16-14.)

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

8 Sec. 6-514. Commercial driver's license (CDL); commercial
9 learner's permit (CLP); disqualifications.

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

13 (1) Refusing to submit to or failure to complete a test
14 or tests to determine the driver's blood concentration of
15 alcohol, other drug, or both ~~authorized under Section~~
16 ~~11-501.1~~ while driving a commercial motor vehicle or, if
17 the driver is a CLP or CDL holder, while driving a non-CMV;
18 or

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

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

15 (3) Conviction for a first violation of:

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

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

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

1 committing any felony; or

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

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

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

25 If any of the above violations or refusals occurred
26 while transporting hazardous material(s) required to be

1 placarded, the person shall be disqualified for a period of
2 not less than 3 years; or

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

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

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

23 (d) The Secretary of State may, when the United States
24 Secretary of Transportation so authorizes, issue regulations
25 in which a disqualification for life under paragraph (b) may be
26 reduced to a period of not less than 10 years. If a reinstated

1 driver is subsequently convicted of another disqualifying
2 offense, as specified in subsection (a) of this Section, he or
3 she shall be permanently disqualified for life and shall be
4 ineligible to again apply for a reduction of the lifetime
5 disqualification.

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

26 (e-1) (Blank).

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

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

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

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

19 (1) For 6 months upon a first conviction of paragraph
20 (2) of subsection (b) or subsection (b-3) of Section 6-507
21 of this Code.

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

1 violation of paragraph (2) of subsection (b) or subsection
2 (b-3).

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

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

13 (5) For 3 years upon a second conviction of paragraph
14 (3) of subsection (b) or subsection (b-5) 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 (3) of subsection (b) or (b-5).

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

26 (j) Disqualification for railroad-highway grade crossing

1 violation.

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

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

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

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

22 (iv) For all drivers, failing to have sufficient
23 space to drive completely through the crossing without
24 stopping, as described in subsection (b) of Section
25 11-1425 of this Code;

26 (v) For all drivers, failing to obey a traffic

1 control device or the directions of an enforcement
2 official at the crossing, as described in subdivision
3 (a)2 of Section 11-1201 of this Code;

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

8 (2) Duration of disqualification for railroad-highway
9 grade crossing violation.

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

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

26 (iii) Third or subsequent violation. A driver must

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

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

16 (l) A foreign commercial driver is subject to
17 disqualification under this Section.

18 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
19 98-122, eff. 1-1-14; 98-176, eff. 7-8-15 (see Section 10 of
20 P.A. 98-722 for the effective date of changes made by P.A.
21 98-176); 98-722, eff. 7-16-14; 98-756, eff. 7-16-14.)

22 (625 ILCS 5/11-501.1)

23 Sec. 11-501.1. Suspension of drivers license; statutory
24 summary alcohol, other drug or drugs, or intoxicating compound
25 or compounds related suspension or revocation; implied

1 consent.

2 (a) Any person who drives or is in actual physical control
3 of a motor vehicle upon the public highways of this State shall
4 be deemed to have given consent, subject to the provisions of
5 Section 11-501.2, to a chemical test or tests of blood, breath,
6 or urine for the purpose of determining the content of alcohol,
7 other drug or drugs, or intoxicating compound or compounds or
8 any combination thereof in the person's blood if arrested, as
9 evidenced by the issuance of a Uniform Traffic Ticket, for any
10 offense as defined in Section 11-501 or a similar provision of
11 a local ordinance, or if arrested for violating Section 11-401.
12 If a law enforcement officer has probable cause to believe the
13 person was under the influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any combination
15 thereof, the law enforcement officer shall request a chemical
16 test or tests which shall be administered at the direction of
17 the arresting officer. The law enforcement agency employing the
18 officer shall designate which of the aforesaid tests shall be
19 administered. A urine test may be administered even after a
20 blood or breath test or both has been administered. For
21 purposes of this Section, an Illinois law enforcement officer
22 of this State who is investigating the person for any offense
23 defined in Section 11-501 may travel into an adjoining state,
24 where the person has been transported for medical care, to
25 complete an investigation and to request that the person submit
26 to the test or tests set forth in this Section. The

1 requirements of this Section that the person be arrested are
2 inapplicable, but the officer shall issue the person a Uniform
3 Traffic Ticket for an offense as defined in Section 11-501 or a
4 similar provision of a local ordinance prior to requesting that
5 the person submit to the test or tests. The issuance of the
6 Uniform Traffic Ticket shall not constitute an arrest, but
7 shall be for the purpose of notifying the person that he or she
8 is subject to the provisions of this Section and of the
9 officer's belief of the existence of probable cause to arrest.
10 Upon returning to this State, the officer shall file the
11 Uniform Traffic Ticket with the Circuit Clerk of the county
12 where the offense was committed, and shall seek the issuance of
13 an arrest warrant or a summons for the person.

14 (a-5) (Blank). ~~In addition to the requirements and~~
15 ~~provisions of subsection (a), any person issued a registry card~~
16 ~~under the Compassionate Use of Medical Cannabis Pilot Program~~
17 ~~Act who drives or is in actual physical control of a motor~~
18 ~~vehicle upon the public highways of this State shall be deemed~~
19 ~~to have given consent, subject to the provisions of Section~~
20 ~~11-501.2, to standardized field sobriety tests approved by the~~
21 ~~National Highway Traffic Safety Administration if arrested, as~~
22 ~~evidenced by the issuance of a Uniform Traffic Ticket, for any~~
23 ~~offense as defined in Section 11-501 or a similar provision of~~
24 ~~a local ordinance, or if arrested for violating Section 11-401.~~
25 ~~The person's status as a registry card holder alone is not a~~
26 ~~sufficient basis for conducting these tests. The officer must~~

1 ~~have an independent, cannabis-related factual basis giving~~
2 ~~reasonable suspicion that the person is driving under the~~
3 ~~influence of cannabis for conducting standardized field~~
4 ~~sobriety tests. This independent basis of suspicion shall be~~
5 ~~listed on the standardized field sobriety test results and any~~
6 ~~influence reports made by the arresting officer.~~

7 (b) Any person who is dead, unconscious, or who is
8 otherwise in a condition rendering the person incapable of
9 refusal, shall be deemed not to have withdrawn the consent
10 provided by paragraph (a) of this Section and the test or tests
11 may be administered, subject to the provisions of Section
12 11-501.2.

13 (c) A person requested to submit to a test as provided
14 above shall be warned by the law enforcement officer requesting
15 the test that a refusal to submit to the test will result in
16 the statutory summary suspension of the person's privilege to
17 operate a motor vehicle, as provided in Section 6-208.1 of this
18 Code, and will also result in the disqualification of the
19 person's privilege to operate a commercial motor vehicle, as
20 provided in Section 6-514 of this Code, if the person is a CDL
21 holder. The person shall also be warned that a refusal to
22 submit to the test, when the person was involved in a motor
23 vehicle accident that caused personal injury or death to
24 another, will result in the statutory summary revocation of the
25 person's privilege to operate a motor vehicle, as provided in
26 Section 6-208.1, and will also result in the disqualification

1 of the person's privilege to operate a commercial motor
2 vehicle, as provided in Section 6-514 of this Code, if the
3 person is a CDL holder. The person shall also be warned by the
4 law enforcement officer that if the person submits to the test
5 or tests provided in paragraph (a) of this Section and the
6 alcohol concentration in the person's blood or breath is 0.08
7 or greater, or any amount of a drug, substance, or compound
8 resulting from the unlawful use or consumption of cannabis as
9 covered by the Cannabis Control Act, a controlled substance
10 listed in the Illinois Controlled Substances Act, an
11 intoxicating compound listed in the Use of Intoxicating
12 Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act is
14 detected in the person's blood or urine, ~~or if the person fails~~
15 ~~the standardized field sobriety tests as required by paragraph~~
16 ~~(a-5),~~ a statutory summary suspension of the person's privilege
17 to operate a motor vehicle, as provided in Sections 6-208.1 and
18 11-501.1 of this Code, and a disqualification of the person's
19 privilege to operate a commercial motor vehicle, as provided in
20 Section 6-514 of this Code, if the person is a CDL holder, will
21 be imposed.

22 A person who is under the age of 21 at the time the person
23 is requested to submit to a test as provided above shall, in
24 addition to the warnings provided for in this Section, be
25 further warned by the law enforcement officer requesting the
26 test that if the person submits to the test or tests provided

1 in paragraph (a) ~~or (a-5)~~ of this Section and the alcohol
2 concentration in the person's blood or breath is greater than
3 0.00 and less than 0.08, a suspension of the person's privilege
4 to operate a motor vehicle, as provided under Sections 6-208.2
5 and 11-501.8 of this Code, will be imposed. The results of this
6 test shall be admissible in a civil or criminal action or
7 proceeding arising from an arrest for an offense as defined in
8 Section 11-501 of this Code or a similar provision of a local
9 ordinance or pursuant to Section 11-501.4 in prosecutions for
10 reckless homicide brought under the Criminal Code of 1961 or
11 the Criminal Code of 2012. These test results, however, shall
12 be admissible only in actions or proceedings directly related
13 to the incident upon which the test request was made.

14 (d) If the person refuses testing or submits to a test that
15 discloses an alcohol concentration of 0.08 or more, or any
16 amount of a drug, substance, or intoxicating compound in the
17 person's breath, blood, or urine resulting from the unlawful
18 use or consumption of cannabis listed in the Cannabis Control
19 Act, a controlled substance listed in the Illinois Controlled
20 Substances Act, an intoxicating compound listed in the Use of
21 Intoxicating Compounds Act, or methamphetamine as listed in the
22 Methamphetamine Control and Community Protection Act, the law
23 enforcement officer shall immediately submit a sworn report to
24 the circuit court of venue and the Secretary of State,
25 certifying that the test or tests was or were requested under
26 paragraph (a) ~~or (a-5)~~ and the person refused to submit to a

1 test, or tests, or submitted to testing that disclosed an
2 alcohol concentration of 0.08 or more. ~~A sworn report~~
3 ~~indicating refusal or failure of testing under paragraph (a-5)~~
4 ~~of this Section shall include the factual basis of the~~
5 ~~arresting officer's reasonable suspicion that the person was~~
6 ~~under the influence of cannabis. The person's possession of a~~
7 ~~valid registry card under the Compassionate Use of Medical~~
8 ~~Cannabis Pilot Program Act alone is not sufficient basis for~~
9 ~~reasonable suspicion.~~

10 (e) Upon receipt of the sworn report of a law enforcement
11 officer submitted under paragraph (d), the Secretary of State
12 shall enter the statutory summary suspension or revocation and
13 disqualification for the periods specified in Sections 6-208.1
14 and 6-514, respectively, and effective as provided in paragraph
15 (g).

16 If the person is a first offender as defined in Section
17 11-500 of this Code, and is not convicted of a violation of
18 Section 11-501 of this Code or a similar provision of a local
19 ordinance, then reports received by the Secretary of State
20 under this Section shall, except during the actual time the
21 Statutory Summary Suspension is in effect, be privileged
22 information and for use only by the courts, police officers,
23 prosecuting authorities or the Secretary of State, unless the
24 person is a CDL holder, is operating a commercial motor vehicle
25 or vehicle required to be placarded for hazardous materials, in
26 which case the suspension shall not be privileged. Reports

1 received by the Secretary of State under this Section shall
2 also be made available to the parent or guardian of a person
3 under the age of 18 years that holds an instruction permit or a
4 graduated driver's license, regardless of whether the
5 statutory summary suspension is in effect. A statutory summary
6 revocation shall not be privileged information.

7 (f) The law enforcement officer submitting the sworn report
8 under paragraph (d) shall serve immediate notice of the
9 statutory summary suspension or revocation on the person and
10 the suspension or revocation and disqualification shall be
11 effective as provided in paragraph (g).

12 (1) In cases where the blood alcohol concentration of
13 0.08 or greater or any amount of a drug, substance, or
14 compound resulting from the unlawful use or consumption of
15 cannabis as covered by the Cannabis Control Act, a
16 controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use
18 of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community
20 Protection Act is established by a subsequent analysis of
21 blood or urine collected at the time of arrest, the
22 arresting officer or arresting agency shall give notice as
23 provided in this Section or by deposit in the United States
24 mail of the notice in an envelope with postage prepaid and
25 addressed to the person at his address as shown on the
26 Uniform Traffic Ticket and the statutory summary

1 suspension and disqualification shall begin as provided in
2 paragraph (g). The officer shall confiscate any Illinois
3 driver's license or permit on the person at the time of
4 arrest. If the person has a valid driver's license or
5 permit, the officer shall issue the person a receipt, in a
6 form prescribed by the Secretary of State, that will allow
7 that person to drive during the periods provided for in
8 paragraph (g). The officer shall immediately forward the
9 driver's license or permit to the circuit court of venue
10 along with the sworn report provided for in paragraph (d).

11 (2) (Blank). ~~In cases indicating refusal or failure of~~
12 ~~testing under paragraph (a-5) of this Section the arresting~~
13 ~~officer or arresting agency shall give notice as provided~~
14 ~~in this Section or by deposit in the United States mail of~~
15 ~~the notice in an envelope with postage prepaid and~~
16 ~~addressed to the person at his or her address as shown on~~
17 ~~the Uniform Traffic Ticket and the statutory summary~~
18 ~~suspension and disqualification shall begin as provided in~~
19 ~~paragraph (g). This notice shall include the factual basis~~
20 ~~of the arresting officer's reasonable suspicion that the~~
21 ~~person was under the influence of cannabis. The person's~~
22 ~~possession of a valid registry card under the Compassionate~~
23 ~~Use of Medical Cannabis Pilot Program Act alone is not~~
24 ~~sufficient basis for reasonable suspicion.~~

25 (g) The statutory summary suspension or revocation and
26 disqualification referred to in this Section shall take effect

1 on the 46th day following the date the notice of the statutory
2 summary suspension or revocation was given to the person.

3 (h) The following procedure shall apply whenever a person
4 is arrested for any offense as defined in Section 11-501 or a
5 similar provision of a local ordinance:

6 Upon receipt of the sworn report from the law enforcement
7 officer, the Secretary of State shall confirm the statutory
8 summary suspension or revocation by mailing a notice of the
9 effective date of the suspension or revocation to the person
10 and the court of venue. The Secretary of State shall also mail
11 notice of the effective date of the disqualification to the
12 person. However, should the sworn report be defective by not
13 containing sufficient information or be completed in error, the
14 confirmation of the statutory summary suspension or revocation
15 shall not be mailed to the person or entered to the record;
16 instead, the sworn report shall be forwarded to the court of
17 venue with a copy returned to the issuing agency identifying
18 any defect.

19 (i) As used in this Section, "personal injury" includes any
20 Type A injury as indicated on the traffic accident report
21 completed by a law enforcement officer that requires immediate
22 professional attention in either a doctor's office or a medical
23 facility. A Type A injury includes severely bleeding wounds,
24 distorted extremities, and injuries that require the injured
25 party to be carried from the scene.

26 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;

1 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14.)

2 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

3 Sec. 11-501.2. Chemical and other tests.

4 (a) Upon the trial of any civil or criminal action or
5 proceeding arising out of an arrest for an offense as defined
6 in Section 11-501 or a similar local ordinance or proceedings
7 pursuant to Section 2-118.1, evidence of the concentration of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof in a person's blood or
10 breath at the time alleged, as determined by analysis of the
11 person's blood, urine, breath or other bodily substance, shall
12 be admissible. Where such test is made the following provisions
13 shall apply:

14 1. Chemical analyses of the person's blood, urine,
15 breath or other bodily substance to be considered valid
16 under the provisions of this Section shall have been
17 performed according to standards promulgated by the
18 Department of State Police by a licensed physician,
19 registered nurse, trained phlebotomist, licensed
20 paramedic, or other individual possessing a valid permit
21 issued by that Department for this purpose. The Director of
22 State Police is authorized to approve satisfactory
23 techniques or methods, to ascertain the qualifications and
24 competence of individuals to conduct such analyses, to
25 issue permits which shall be subject to termination or

1 revocation at the discretion of that Department and to
2 certify the accuracy of breath testing equipment. The
3 Department of State Police shall prescribe regulations as
4 necessary to implement this Section.

5 2. When a person in this State shall submit to a blood
6 test at the request of a law enforcement officer under the
7 provisions of Section 11-501.1, only a physician
8 authorized to practice medicine, a licensed physician
9 assistant, a licensed advanced practice nurse, a
10 registered nurse, trained phlebotomist, or licensed
11 paramedic, or other qualified person approved by the
12 Department of State Police may withdraw blood for the
13 purpose of determining the alcohol, drug, or alcohol and
14 drug content therein. This limitation shall not apply to
15 the taking of breath or urine specimens.

16 When a blood test of a person who has been taken to an
17 adjoining state for medical treatment is requested by an
18 Illinois law enforcement officer, the blood may be
19 withdrawn only by a physician authorized to practice
20 medicine in the adjoining state, a licensed physician
21 assistant, a licensed advanced practice nurse, a
22 registered nurse, a trained phlebotomist acting under the
23 direction of the physician, or licensed paramedic. The law
24 enforcement officer requesting the test shall take custody
25 of the blood sample, and the blood sample shall be analyzed
26 by a laboratory certified by the Department of State Police

1 for that purpose.

2 3. The person tested may have a physician, or a
3 qualified technician, chemist, registered nurse, or other
4 qualified person of their own choosing administer a
5 chemical test or tests in addition to any administered at
6 the direction of a law enforcement officer. The failure or
7 inability to obtain an additional test by a person shall
8 not preclude the admission of evidence relating to the test
9 or tests taken at the direction of a law enforcement
10 officer.

11 4. Upon the request of the person who shall submit to a
12 chemical test or tests at the request of a law enforcement
13 officer, full information concerning the test or tests
14 shall be made available to the person or such person's
15 attorney.

16 5. Alcohol concentration shall mean either grams of
17 alcohol per 100 milliliters of blood or grams of alcohol
18 per 210 liters of breath.

19 (a-5) Law enforcement officials may use standardized field
20 sobriety tests approved by the National Highway Traffic Safety
21 Administration when conducting investigations of a violation
22 of Section 11-501 or similar local ordinance by drivers
23 suspected of driving under the influence of cannabis. The
24 General Assembly finds that standardized field sobriety tests
25 approved by the National Highway Traffic Safety Administration
26 are divided attention tasks that are intended to determine if a

1 person is under the influence of cannabis. The purpose of these
2 tests is to determine the effect of the use of cannabis on a
3 person's capacity to think and act with ordinary care and
4 therefore operate a motor vehicle safely. Therefore, the
5 results of these standardized field sobriety tests,
6 appropriately administered, shall be admissible in the trial of
7 any civil or criminal action or proceeding arising out of an
8 arrest for a cannabis-related offense as defined in Section
9 11-501 or a similar local ordinance or proceedings under
10 Section 2-118.1 or 2-118.2. Where a test is made the following
11 provisions shall apply:

12 1. The person tested may have a physician, or a
13 qualified technician, chemist, registered nurse, or other
14 qualified person of their own choosing administer a
15 chemical test or tests in addition to the standardized
16 field sobriety test or tests administered at the direction
17 of a law enforcement officer. The failure or inability to
18 obtain an additional test by a person does not preclude the
19 admission of evidence relating to the test or tests taken
20 at the direction of a law enforcement officer.

21 2. Upon the request of the person who shall submit to a
22 standardized field sobriety test or tests at the request of
23 a law enforcement officer, full information concerning the
24 test or tests shall be made available to the person or the
25 person's attorney.

26 3. At the trial of any civil or criminal action or

1 proceeding arising out of an arrest for an offense as
2 defined in Section 11-501 or a similar local ordinance or
3 proceedings under Section 2-118.1 or 2-118.2 in which the
4 results of these standardized field sobriety tests are
5 admitted, the cardholder may present and the trier of fact
6 may consider evidence that the card holder lacked the
7 physical capacity to perform the standardized field
8 sobriety tests.

9 (b) Upon the trial of any civil or criminal action or
10 proceeding arising out of acts alleged to have been committed
11 by any person while driving or in actual physical control of a
12 vehicle while under the influence of alcohol, the concentration
13 of alcohol in the person's blood or breath at the time alleged
14 as shown by analysis of the person's blood, urine, breath, or
15 other bodily substance shall give rise to the following
16 presumptions:

17 1. If there was at that time an alcohol concentration
18 of 0.05 or less, it shall be presumed that the person was
19 not under the influence of alcohol.

20 2. If there was at that time an alcohol concentration
21 in excess of 0.05 but less than 0.08, such facts shall not
22 give rise to any presumption that the person was or was not
23 under the influence of alcohol, but such fact may be
24 considered with other competent evidence in determining
25 whether the person was under the influence of alcohol.

26 3. If there was at that time an alcohol concentration

1 of 0.08 or more, it shall be presumed that the person was
2 under the influence of alcohol.

3 4. The foregoing provisions of this Section shall not
4 be construed as limiting the introduction of any other
5 relevant evidence bearing upon the question whether the
6 person was under the influence of alcohol.

7 (c) 1. If a person under arrest refuses to submit to a
8 chemical test under the provisions of Section 11-501.1,
9 evidence of refusal shall be admissible in any civil or
10 criminal action or proceeding arising out of acts alleged to
11 have been committed while the person under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof was driving or in actual
14 physical control of a motor vehicle.

15 2. Notwithstanding any ability to refuse under this Code to
16 submit to these tests or any ability to revoke the implied
17 consent to these tests, if a law enforcement officer has
18 probable cause to believe that a motor vehicle driven by or in
19 actual physical control of a person under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof has caused the death or
22 personal injury to another, the law enforcement officer shall
23 request, and that person shall submit, upon the request of a
24 law enforcement officer, to a chemical test or tests of his or
25 her blood, breath or urine for the purpose of determining the
26 alcohol content thereof or the presence of any other drug or

1 combination of both.

2 This provision does not affect the applicability of or
3 imposition of driver's license sanctions under Section
4 11-501.1 of this Code.

5 3. For purposes of this Section, a personal injury includes
6 any Type A injury as indicated on the traffic accident report
7 completed by a law enforcement officer that requires immediate
8 professional attention in either a doctor's office or a medical
9 facility. A Type A injury includes severe bleeding wounds,
10 distorted extremities, and injuries that require the injured
11 party to be carried from the scene.

12 (d) If a person refuses standardized field sobriety tests
13 under Section 11-501.9 of this Code, evidence of refusal shall
14 be admissible in any civil or criminal action or proceeding
15 arising out of acts committed while the person was driving or
16 in actual physical control of a vehicle and alleged to have
17 been impaired by the use of cannabis.

18 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
19 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.
20 8-15-14.)

21 (625 ILCS 5/11-501.9 new)

22 Sec. 11-501.9. Suspension of driver's license; medical
23 cannabis card holder; failure or refusal of field sobriety
24 tests; implied consent.

25 (a) A person who has been issued a registry identification

1 card under the Compassionate Use of Medical Cannabis Pilot
2 Program Act who drives or is in actual physical control of a
3 motor vehicle upon the public highways of this State shall be
4 deemed to have given consent to standardized field sobriety
5 tests approved by the National Highway Traffic Safety
6 Administration, under subsection (a-5) of Section 11-501.2 of
7 this Code, if detained by a law enforcement officer who has a
8 reasonable suspicion that the person is driving or is in actual
9 physical control of a motor vehicle while impaired by the use
10 of cannabis. The law enforcement officer must have an
11 independent, cannabis-related factual basis giving reasonable
12 suspicion that the person is driving or in actual physical
13 control of a motor vehicle while impaired by the use of
14 cannabis for conducting standardized field sobriety tests,
15 which shall be included with the results of the field sobriety
16 tests in any report made by the law enforcement officer who
17 requests the test. The person's possession of a registry
18 identification card issued under the Compassionate Use of
19 Medical Cannabis Pilot Program Act alone is not a sufficient
20 basis for reasonable suspicion.

21 For purposes of this Section, a law enforcement officer of
22 this State who is investigating a person for an offense under
23 Section 11-501 of this Code may travel into an adjoining state
24 where the person has been transported for medical care to
25 complete an investigation and to request that the person submit
26 to field sobriety tests under this Section.

1 (b) A person who is unconscious, or otherwise in a
2 condition rendering the person incapable of refusal, shall be
3 deemed to have withdrawn the consent provided by subsection (a)
4 of this Section.

5 (c) A person requested to submit to field sobriety tests,
6 as provided in this Section, shall be warned by the law
7 enforcement officer requesting the field sobriety tests that a
8 refusal to submit to the field sobriety tests will result in
9 the suspension of the person's privilege to operate a motor
10 vehicle, as provided in subsection (f) of this Section. The
11 person shall also be warned by the law enforcement officer that
12 if the person submits to field sobriety tests as provided in
13 this Section which disclose the person is impaired by the use
14 of cannabis, a suspension of the person's privilege to operate
15 a motor vehicle, as provided in subsection (f) of this Section,
16 will be imposed.

17 (d) The results of field sobriety tests administered under
18 this Section shall be admissible in a civil or criminal action
19 or proceeding arising from an arrest for an offense as defined
20 in Section 11-501 of this Code or a similar provision of a
21 local ordinance. These test results shall be admissible only in
22 actions or proceedings directly related to the incident upon
23 which the test request was made.

24 (e) If the person refuses field sobriety tests or submits
25 to field sobriety tests that disclose the person is impaired by
26 the use of cannabis, the law enforcement officer shall

1 immediately submit a sworn report to the circuit court of venue
2 and the Secretary of State certifying that testing was
3 requested under this Section and that the person refused to
4 submit to field sobriety tests or submitted to field sobriety
5 tests that disclosed the person was impaired by the use of
6 cannabis. The sworn report must include the law enforcement
7 officer's factual basis for reasonable suspicion that the
8 person was impaired by the use of cannabis.

9 (f) Upon receipt of the sworn report of a law enforcement
10 officer submitted under subsection (e) of this Section, the
11 Secretary of State shall enter the suspension to the driving
12 record as follows:

13 (1) for refusal or failure to complete field sobriety
14 tests, a 12 month suspension shall be entered; or

15 (2) for submitting to field sobriety tests that
16 disclosed the driver was impaired by the use of cannabis, a
17 6 month suspension shall be entered.

18 The Secretary of State shall confirm the suspension by
19 mailing a notice of the effective date of the suspension to the
20 person and the court of venue. However, should the sworn report
21 be defective for insufficient information or be completed in
22 error, the confirmation of the suspension shall not be mailed
23 to the person or entered to the record; instead, the sworn
24 report shall be forwarded to the court of venue with a copy
25 returned to the issuing agency identifying the defect.

26 (g) The law enforcement officer submitting the sworn report

1 under subsection (e) of this Section shall serve immediate
2 notice of the suspension on the person and the suspension shall
3 be effective as provided in subsection (h) of this Section. If
4 immediate notice of the suspension cannot be given, the
5 arresting officer or arresting agency shall give notice by
6 deposit in the United States mail of the notice in an envelope
7 with postage prepaid and addressed to the person at his or her
8 address as shown on the Uniform Traffic Ticket and the
9 suspension shall begin as provided in subsection (h) of this
10 Section. The officer shall confiscate any Illinois driver's
11 license or permit on the person at the time of arrest. If the
12 person has a valid driver's license or permit, the officer
13 shall issue the person a receipt, in a form prescribed by the
14 Secretary of State, that will allow the person to drive during
15 the period provided for in subsection (h) of this Section. The
16 officer shall immediately forward the driver's license or
17 permit to the circuit court of venue along with the sworn
18 report under subsection (e) of this Section.

19 (h) The suspension under subsection (f) of this Section
20 shall take effect on the 46th day following the date the notice
21 of the suspension was given to the person.

22 (i) When a driving privilege has been suspended under this
23 Section and the person is subsequently convicted of violating
24 Section 11-501 of this Code, or a similar provision of a local
25 ordinance, for the same incident, any period served on
26 suspension under this Section shall be credited toward the

1 minimum period of revocation of driving privileges imposed
2 under Section 6-205 of this Code.

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.