



Rep. Lou Lang

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LRB098 16947 RLC 62522 a

1 AMENDMENT TO SENATE BILL 3028

2 AMENDMENT NO. _____. Amend Senate Bill 3028 by replacing
3 everything after the enacting clause with the following:

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9 (Section scheduled to be repealed on January 1, 2018)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

1 (2) distribute educational materials about the health
2 risks associated with the abuse of cannabis and
3 prescription medications;

4 (3) adopt rules to administer the patient and caregiver
5 registration program; and

6 (4) adopt rules establishing food handling
7 requirements for cannabis-infused products that are
8 prepared for human consumption.

9 (b) It is the duty of the Department of Agriculture to
10 enforce the provisions of this Act relating to the registration
11 and oversight of cultivation centers unless otherwise provided
12 for in this Act.

13 (c) It is the duty of the Department of Financial and
14 Professional Regulation to enforce the provisions of this Act
15 relating to the registration and oversight of dispensing
16 organizations unless otherwise provided for in this Act.

17 (d) The Department of Public Health, the Department of
18 Agriculture, or the Department of Financial and Professional
19 Regulation shall enter into intergovernmental agreements, as
20 necessary, to carry out the provisions of this Act including,
21 but not limited to, the provisions relating to the registration
22 and oversight of cultivation centers, dispensing
23 organizations, and qualifying patients and caregivers.

24 (e) The Department of Public Health, Department of
25 Agriculture, or the Department of Financial and Professional
26 Regulation may suspend, ~~or~~ revoke, or impose other penalties

1 upon a registration for violations of this Act and any rules
2 adopted in accordance thereto. The suspension or revocation of,
3 or imposition of any other penalty upon a registration is a
4 final Agency action, subject to judicial review. Jurisdiction
5 and venue for judicial review are vested in the Circuit Court.

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

7 (410 ILCS 130/35)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 35. Physician requirements.

10 (a) A physician who certifies a debilitating medical
11 condition for a qualifying patient shall comply with all of the
12 following requirements:

13 (1) The Physician shall be currently licensed under the
14 Medical Practice Act of 1987 to practice medicine in all
15 its branches and in good standing, and must hold a
16 controlled substances license under Article III of the
17 Illinois Controlled Substances Act.

18 (2) A physician making a medical cannabis
19 recommendation shall comply with generally accepted
20 standards of medical practice, the provisions of the
21 Medical Practice Act of 1987 and all applicable rules.

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

24 (4) The physician shall maintain a record-keeping
25 system for all patients for whom the physician has

1 recommended the medical use of cannabis. These records
2 shall be accessible to and subject to review by the
3 Department of Public Health and the Department of Financial
4 and Professional Regulation upon request.

5 (b) A physician may not:

6 (1) accept, solicit, or offer any form of remuneration
7 from or to a qualifying patient, primary caregiver,
8 cultivation center, or dispensing organization, including
9 each principal officer, board member, agent, and employee,
10 to certify a patient, other than accepting payment from a
11 patient for the fee associated with the required
12 examination ~~required prior to certifying a qualifying~~
13 ~~patient~~;

14 (2) offer a discount of any other item of value to a
15 qualifying patient who uses or agrees to use a particular
16 primary caregiver or dispensing organization to obtain
17 medical cannabis;

18 (3) conduct a personal physical examination of a
19 patient for purposes of diagnosing a debilitating medical
20 condition at a location where medical cannabis is sold or
21 distributed or at the address of a principal officer,
22 agent, or employee or a medical cannabis organization;

23 (4) hold a direct or indirect economic interest in a
24 cultivation center or dispensing organization if he or she
25 recommends the use of medical cannabis to qualified
26 patients or is in a partnership or other fee or

1 profit-sharing relationship with a physician who
2 recommends medical cannabis, except for the limited
3 purpose of performing a medical cannabis related research
4 study;

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

7 (6) refer patients to a cultivation center, a
8 dispensing organization, or a registered designated
9 caregiver; or

10 (7) advertise in a cultivation center or a dispensing
11 organization.

12 (c) The Department of Public Health may with reasonable
13 cause refer a physician, who has certified a debilitating
14 medical condition of a patient, to the Illinois Department of
15 Financial and Professional Regulation for potential violations
16 of this Section.

17 (d) Any violation of this Section or any other provision of
18 this Act or rules adopted under this Act is a violation of the
19 Medical Practice Act of 1987.

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

21 (410 ILCS 130/65)

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

23 Sec. 65. Denial of registry identification cards.

24 (a) The Department of Public Health may deny an application
25 or renewal of a qualifying patient's registry identification

1 card only if the applicant:

2 (1) did not provide the required information and
3 materials;

4 (2) previously had a registry identification card
5 revoked;

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

7 (4) provided false or falsified information.

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

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

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

18 (2) the applicant did not provide the information
19 required;

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

21 (4) the designated caregiver previously had a registry
22 identification card revoked; or

23 (5) the applicant or the designated caregiver provided
24 false or falsified information.

25 (d) The Department of Public Health through the Department
26 of State Police shall conduct a background check of the

1 prospective qualifying patient and designated caregiver in
2 order to carry out this Section. The Department of State Police
3 shall charge a fee for conducting the criminal history record
4 check, which shall be deposited in the State Police Services
5 Fund and shall not exceed the actual cost of the record check.
6 Each person applying as a qualifying patient or a designated
7 caregiver shall submit a full set of fingerprints to the
8 Department of State Police for the purpose of obtaining a state
9 and federal criminal records check. These fingerprints shall be
10 checked against the fingerprint records now and hereafter, to
11 the extent allowed by law, filed in the Department of State
12 Police and Federal Bureau of Investigation criminal history
13 records databases. The Department of State Police shall
14 furnish, following positive identification, all Illinois
15 conviction information to the Department of Public Health. The
16 Department of Public Health may waive the submission of a
17 qualifying patient's complete fingerprints based on (1) the
18 severity of the patient's illness and (2) the inability of the
19 qualifying patient to supply those fingerprints, provided that
20 a complete criminal background check is conducted by the
21 Department of State Police prior to the issuance of a registry
22 identification card. The Department of Public Health through
23 ~~the Illinois State Police shall conduct a background check of~~
24 ~~the prospective qualifying patient and designated caregiver in~~
25 ~~order to carry out this provision. The Department of State~~
26 ~~Police shall be reimbursed for the cost of the background check~~

1 ~~by the Department of Public Health. Each person applying as a~~
2 ~~qualifying patient or a designated caregiver shall submit a~~
3 ~~full set of fingerprints to the Department of Public Health for~~
4 ~~the purpose of obtaining a state and federal criminal records~~
5 ~~check. The Department of Public Health may exchange this data~~
6 ~~with the Department of State Police or the Federal Bureau of~~
7 ~~Investigation without disclosing that the records check is~~
8 ~~related to this Act. The Department of Public Health shall~~
9 ~~destroy each set of fingerprints after the criminal records~~
10 ~~check is completed. The Department of Public Health may waive~~
11 ~~the submission of a qualifying patient's complete fingerprints~~
12 ~~based on (1) the severity of the patient's illness and (2) the~~
13 ~~inability of the qualifying patient to obtain those~~
14 ~~fingerprints, provided that a complete criminal background~~
15 ~~check is conducted by the Department of State Police prior to~~
16 ~~the issuance of a registry identification card.~~

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

21 (f) Denial of an application or renewal is considered a
22 final Department action, subject to judicial review.
23 Jurisdiction and venue for judicial review are vested in the
24 Circuit Court.

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

1 (410 ILCS 130/95)

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

3 Sec. 95. Background checks.

4 (a) The Department of Agriculture through the Department of
5 State Police shall conduct a background check of the
6 prospective cultivation center agents. The Department of State
7 Police shall charge a fee for conducting the criminal history
8 record check, which shall be deposited in the State Police
9 Services Fund and shall not exceed the actual cost of the
10 record check. In order to carry out this provision, each person
11 applying as a cultivation center agent shall submit a full set
12 of fingerprints to the Department of State Police for the
13 purpose of obtaining a State and federal criminal records
14 check. These fingerprints shall be checked against the
15 fingerprint records now and hereafter, to the extent allowed by
16 law, filed in the Department of State Police and Federal Bureau
17 of Investigation criminal history records databases. The
18 Department of State Police shall furnish, following positive
19 identification, all Illinois conviction information to the
20 Department of Agriculture. The Department of Agriculture
21 through the Department of State Police shall conduct a
22 background check of the prospective cultivation center agents.
23 The Department of State Police shall be reimbursed for the cost
24 of the background check by the Department of Agriculture. In
25 order to carry out this provision, each person applying as a
26 cultivation center agent shall submit a full set of

1 ~~fingerprints to the Department of Agriculture for the purpose~~
2 ~~of obtaining a State and federal criminal records check. The~~
3 ~~Department of Agriculture may exchange this data with the~~
4 ~~Department of State Police and the Federal Bureau of~~
5 ~~Investigation without disclosing that the records check is~~
6 ~~related to this Act. The Department of Agriculture shall~~
7 ~~destroy each set of fingerprints after the criminal records~~
8 ~~check is complete.~~

9 (b) When applying for the initial permit, the background
10 checks for the principal officer, board members, and registered
11 agents shall be completed prior to submitting the application
12 to the Department of Agriculture.

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

14 (410 ILCS 130/105)

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

16 Sec. 105. Requirements; prohibitions; penalties for
17 cultivation centers.

18 (a) The operating documents of a registered cultivation
19 center shall include procedures for the oversight of the
20 cultivation center, a cannabis plant monitoring system
21 including a physical inventory recorded weekly, a cannabis
22 container system including a physical inventory recorded
23 weekly, accurate record keeping, and a staffing plan.

24 (b) A registered cultivation center shall implement a
25 security plan reviewed by the State Police and including but

1 not limited to: facility access controls, perimeter intrusion
2 detection systems, personnel identification systems, 24-hour
3 surveillance system to monitor the interior and exterior of the
4 registered cultivation center facility and accessible to
5 authorized law enforcement and the Department of Agriculture
6 ~~Financial and Professional Regulation~~ in real-time.

7 (c) A registered cultivation center may not be located
8 within 2,500 feet of the property line of a pre-existing public
9 or private preschool or elementary or secondary school or day
10 care center, day care home, group day care home, part day child
11 care facility, or an area zoned for residential use.

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

25 (e) A cultivation center may not sell or distribute any
26 cannabis to any individual or entity other than a dispensary

1 organization registered under this Act.

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

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

7 (h) Registered cultivation centers are subject to random
8 inspection by the State Police.

9 (i) Registered cultivation centers are subject to random
10 inspections by the Department of Agriculture and the Department
11 of Public Health.

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

17 (k) A cultivation center shall comply with all State and
18 federal rules and regulations regarding the use of pesticides.

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

20 (410 ILCS 130/110)

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

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

24 Notwithstanding any other criminal penalties related to
25 the unlawful possession of cannabis, the Department of

1 Agriculture may revoke, suspend, place on probation,
2 reprimand, issue cease and desist orders, refuse to issue or
3 renew a registration, or take any other disciplinary or
4 non-disciplinary action as the Department of Agriculture may
5 deem proper with regard to a registered cultivation center or
6 cultivation center agent, including imposing fines not to
7 exceed \$50,000 for each violation, for any violations of this
8 Act and rules adopted under this Act. The procedures for
9 disciplining a registered cultivation center or cultivation
10 center agent and for administrative hearings shall be
11 determined by rule. All final administrative decisions of the
12 Department of Agriculture are subject to judicial review under
13 the Administrative Review Law and its rules. The term
14 "administrative decision" is defined as in Section 3-101 of the
15 Code of Civil Procedure. ~~(a) The Department of Agriculture may~~
16 ~~suspend or revoke a registration for violations of this Act and~~
17 ~~rules issued in accordance with this Section.~~

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

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

23 (410 ILCS 130/115)

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

25 Sec. 115. Registration of dispensing organizations.

1 (a) The Department of Financial and Professional
2 Regulation may issue up to 60 dispensing organization
3 registrations for operation. The Department of Financial and
4 Professional Regulation may not issue less than the 60
5 registrations if there are qualified applicants who have
6 applied with the Department of Financial and Professional
7 Regulation. The organizations shall be geographically
8 dispersed throughout the State to allow all registered
9 qualifying patients reasonable proximity and access to a
10 dispensing organization.

11 (b) A dispensing organization may only operate if it has
12 been issued a registration from the Department of Financial and
13 Professional Regulation. The Department of Financial and
14 Professional Regulation shall adopt rules establishing the
15 procedures for applicants for dispensing organizations.

16 (c) When applying for a dispensing organization
17 registration, the applicant shall submit, at a minimum, the
18 following in accordance with Department of Financial and
19 Professional Regulation rules:

20 (1) a non-refundable application fee established by
21 rule;

22 (2) the proposed legal name of the dispensing
23 organization;

24 (3) the proposed physical address of the dispensing
25 organization;

26 (4) the name, address, and date of birth of each

1 principal officer and board member of the dispensing
2 organization, provided that all those individuals shall be
3 at least 21 years of age;

4 (5) information, in writing, regarding any instances
5 in which a business or not-for-profit that any of the
6 prospective board members managed or served on the board
7 was convicted, fined, censured, or had a registration
8 suspended or revoked in any administrative or judicial
9 proceeding;

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

19 (7) signed statements from each dispensing
20 organization agent stating that they will not divert
21 medical cannabis.

22 (d) The Department of Financial and Professional
23 Regulation shall conduct a background check of the prospective
24 dispensing organization agents in order to carry out this
25 Section. The Department of State Police shall charge a fee for
26 conducting the criminal history record check, which shall be

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

1 ~~fingerprints after the criminal records check is completed.~~

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

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

7 (1) the applicant failed to submit the materials
8 required by this Section, including if the applicant's
9 plans do not satisfy the security, oversight, or
10 recordkeeping rules issued by the Department of Financial
11 and Professional Regulation;

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

14 (3) the applicant does not meet the requirements of
15 Section 130;

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

18 (5) one or more of the prospective principal officers
19 or board members has served as a principal officer or board
20 member for a registered medical cannabis dispensing
21 organization that has had its registration revoked;

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

24 (7) one or more of the principal officers or board
25 members is a registered qualified patient or a registered
26 caregiver.

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

2 (410 ILCS 130/120)

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

4 Sec. 120. Dispensing organization agent identification
5 card.

6 (a) The Department of Financial and Professional
7 Regulation shall:

8 (1) verify the information contained in an application
9 or renewal for a dispensing organization agent
10 identification card submitted under this Act, and approve
11 or deny an application or renewal, within 30 days of
12 receiving a completed application or renewal application
13 and all supporting documentation required by rule;

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

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

19 (4) allow for an electronic application process, and
20 provide a confirmation by electronic or other methods that
21 an application has been submitted.

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

25 (c) The dispensing organization agent identification cards

1 shall contain the following:

2 (1) the name of the cardholder;

3 (2) the date of issuance and expiration date of the
4 dispensing organization agent identification cards;

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

8 (4) a photograph of the cardholder.

9 (d) The dispensing organization agent identification cards
10 shall be immediately returned to the dispensing organization
11 ~~cultivation center~~ upon termination of employment.

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

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

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

20 (410 ILCS 130/140)

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

22 Sec. 140. Local ordinances. A unit of local government may
23 enact reasonable zoning ordinances or resolutions, not in
24 conflict with this Act or with Department of Agriculture or
25 Department of Financial and Professional Regulation ~~Public~~

1 ~~Health~~ rules, regulating registered medical cannabis
2 cultivation center or medical cannabis dispensing
3 organizations. No unit of local government, including a home
4 rule unit, or school district may regulate registered medical
5 cannabis organizations other than as provided in this Act and
6 may not unreasonably prohibit the cultivation, dispensing, and
7 use of medical cannabis authorized by this Act. This Section is
8 a denial and limitation under subsection (i) of Section 6 of
9 Article VII of the Illinois Constitution on the concurrent
10 exercise by home rule units of powers and functions exercised
11 by the State.

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

13 (410 ILCS 130/145)

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

15 Sec. 145. Confidentiality.

16 (a) The following information received and records kept by
17 the Department of Public Health, Department of Financial and
18 Professional Regulation, Department of Agriculture, or
19 Department of State Police ~~under their rules~~ for purposes of
20 administering this Act are subject to all applicable federal
21 privacy laws, confidential, and exempt from the Freedom of
22 Information Act, and not subject to disclosure to any
23 individual or public or private entity, except as necessary for
24 authorized employees of those authorized agencies to perform
25 official duties under this Act and the following, ~~except that~~

1 ~~the~~ information received and records kept by Department of
2 Public Health, Department of Agriculture, Department of
3 Financial and Professional Regulation, and Department of State
4 Police, excluding any existing or non-existing Illinois or
5 national criminal history record information as defined in
6 subsection (d), may be disclosed ~~may disclose this information~~
7 ~~and records~~ to each other upon request:

8 (1) Applications and renewals, their contents, and
9 supporting information submitted by qualifying patients
10 and designated caregivers, including information regarding
11 their designated caregivers and physicians.

12 (2) Applications and renewals, their contents, and
13 supporting information submitted by or on behalf of
14 cultivation centers and dispensing organizations in
15 compliance with this Act, including their physical
16 addresses.

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

20 (4) Any dispensing information required to be kept
21 under Section 135, Section 150, or Department of Public
22 Health, Department of Agriculture, or Department of
23 Financial and Professional Regulation rules shall identify
24 cardholders and registered cultivation centers by their
25 registry identification numbers and medical cannabis
26 dispensing organizations by their registration number and

1 not contain names or other personally identifying
2 information.

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

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

7 (1) Department of Agriculture, Department of Financial
8 and Professional Regulation, or Public Health employees
9 may notify law enforcement about falsified or fraudulent
10 information submitted to the Departments if the employee
11 who suspects that falsified or fraudulent information has
12 been submitted conferred with his or her supervisor and
13 both agree that circumstances exist that warrant
14 reporting.

15 (2) If the employee conferred with his or her
16 supervisor and both agree that circumstances exist that
17 warrant reporting, Department of Public Health employees
18 may notify the Department of Financial and Professional
19 Regulation if there is reasonable cause to believe a
20 physician:

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

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

26 (C) failed to abide by the acceptable and

1 prevailing standard of care when evaluating a
2 patient's medical condition.

3 (3) The Department of Public Health, Department of
4 Agriculture, and Department of Financial and Professional
5 Regulation may notify State or local law enforcement about
6 apparent criminal violations of this Act if the employee
7 who suspects the offense has conferred with his or her
8 supervisor and both agree that circumstances exist that
9 warrant reporting.

10 (4) Medical cannabis cultivation center agents and
11 medical cannabis dispensing organizations may notify the
12 Department of Public Health, Department of Financial and
13 Professional Regulation, or Department of Agriculture of a
14 suspected violation or attempted violation of this Act or
15 the rules issued under it.

16 (5) Each Department may verify registry identification
17 cards under Section 150.

18 (6) The submission of the report to the General
19 Assembly under Section 160.

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

26 (d) The Department of Public Health, the Department of

1 Agriculture, the Department of State Police, and the Department
2 of Financial and Professional Regulation shall not share or
3 disclose any existing or non-existing Illinois or national
4 criminal history record information. For the purposes of this
5 Section, "any existing or non-existing Illinois or national
6 criminal history record information" means any Illinois or
7 national criminal history record information, including but
8 not limited to the lack of or non-existence of these records.

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

10 (410 ILCS 130/150)

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

12 Sec. 150. Registry identification and registration
13 certificate verification.

14 (a) The Department of Public Health shall maintain a
15 confidential list of the persons to whom the Department of
16 Public Health has issued registry identification cards and
17 their addresses, phone numbers, and registry identification
18 numbers. This confidential list may not be combined or linked
19 in any manner with any other list or database except as
20 provided in this Section.

21 (b) Within 180 days of the effective date of this Act, the
22 Department of Public Health, Department of Financial and
23 Professional Regulation, and Department of Agriculture shall
24 together establish a computerized database or verification
25 system. The database or verification system must allow law

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

26 (c) For the purposes of this Section, "any existing or

1 non-existing Illinois or national criminal history record
2 information" means any Illinois or national criminal history
3 record information, including but not limited to the lack of or
4 non-existence of these records.

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

6 (410 ILCS 130/165)

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

8 Sec. 165. Administrative rulemaking.

9 (a) Not later than 120 days after the effective date of
10 this Act, the Department of Public Health, Department of
11 Agriculture, and the Department of Financial and Professional
12 Regulation shall develop rules in accordance to their
13 responsibilities under this Act and file those rules with the
14 Joint Committee on Administrative Rules.

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

17 (1) fees for applications for registration as a
18 qualified patient or caregiver;

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

22 (3) governing the manner in which it shall consider
23 applications for and renewals of registry identification
24 cards;

25 (4) the manufacture of medical cannabis-infused

1 products;

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

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

8 (7) reasonable rules concerning the medical use of
9 cannabis at a nursing care institution, hospice, assisted
10 living center, assisted living facility, assisted living
11 home, residential care institution, or adult day health
12 care facility.

13 (c) The Department of Agriculture rules shall address, but
14 not be limited to the following related to registered
15 cultivation centers, with the goal of protecting against
16 diversion and theft, without imposing an undue burden on the
17 registered cultivation centers:

18 (1) oversight requirements for registered cultivation
19 centers;

20 (2) recordkeeping requirements for registered
21 cultivation centers;

22 (3) security requirements for registered cultivation
23 centers, which shall include that each registered
24 cultivation center location must be protected by a fully
25 operational security alarm system;

26 (4) rules and standards for what constitutes an

1 enclosed, locked facility under this Act;

2 (5) procedures for suspending or revoking the
3 registration certificates or registry identification cards
4 of registered cultivation centers and their agents that
5 commit violations of the provisions of this Act or the
6 rules adopted under this Section;

7 (6) rules concerning the intrastate transportation of
8 medical cannabis from a cultivation center to a dispensing
9 organization;

10 (7) standards concerning the testing, quality, and
11 cultivation of medical cannabis;

12 (8) any other matters as are necessary for the fair,
13 impartial, stringent, and comprehensive administration of
14 this Act;

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

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

19 (d) The Department of Financial and Professional
20 Regulation rules shall address, but not be limited to the
21 following matters related to registered dispensing
22 organizations, with the goal of protecting against diversion
23 and theft, without imposing an undue burden on the registered
24 dispensing organizations or compromising the confidentiality
25 of cardholders:

26 (1) application and renewal and registration fees for

1 dispensing organizations and dispensing organizations
2 agents;

3 (2) medical cannabis dispensing agent-in-charge
4 oversight requirements for dispensing organizations;

5 (3) recordkeeping requirements for dispensing
6 organizations;

7 (4) security requirements for medical cannabis
8 dispensing organizations, which shall include that each
9 registered dispensing organization location must be
10 protected by a fully operational security alarm system;

11 (5) procedures for suspending or revoking ~~suspending~~
12 the registrations of dispensing organizations and
13 dispensing organization agents that commit violations of
14 the provisions of this Act or the rules adopted under this
15 Act;

16 (6) application and renewal fees for dispensing
17 organizations; and

18 (7) application and renewal fees for dispensing
19 organization agents.

20 (e) The Department of Public Health may establish a sliding
21 scale of patient application and renewal fees based upon a
22 qualifying patient's household income. The Department of
23 Public health may accept donations from private sources to
24 reduce application and renewal fees, and registry
25 identification card fees shall include an additional fee set by
26 rule which shall be used to develop and disseminate educational

1 information about the health risks associated with the abuse of
2 cannabis and prescription medications.

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

8 (g) The Department of Public Health shall develop and
9 disseminate educational information about the health risks
10 associated with the abuse of cannabis and prescription
11 medications.

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

13 (410 ILCS 130/175)

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

15 Sec. 175. Administrative hearings.

16 (a) Administrative hearings involving the Department of
17 Public Health, a qualifying patient, or a designated caregiver
18 shall be conducted under the Department of Public Health's
19 rules governing administrative hearings.

20 (b) Administrative hearings involving the Department of
21 Financial and Professional Regulation, dispensing
22 organizations, or dispensing organization agents shall be
23 conducted under the Department of Financial and Professional
24 Regulation's rules governing administrative hearings.

25 (c) Administrative hearings involving the Department of

1 Agriculture, registered cultivation centers, or cultivation
2 center agents shall be conducted under the Department of
3 Agriculture's rules governing administrative hearings. All
4 ~~administrative hearings under this Act shall be conducted in~~
5 ~~accordance with the Department of Public Health's rules~~
6 ~~governing administrative hearings.~~

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

8 (410 ILCS 130/185)

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

10 Sec. 185. Suspension revocation of a registration.

11 (a) The Department of Agriculture, the Department of
12 Financial and Professional Regulation, and the Department of
13 Public Health may suspend or revoke a registration for
14 violations of this Act and rules issued in accordance with this
15 Section.

16 (b) The suspension or revocation of a registration is a
17 final Department action, subject to judicial review.
18 Jurisdiction and venue for judicial review are vested in the
19 Circuit Court.

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

21 Section 10. The Illinois Vehicle Code is amended by
22 changing Sections 2-118.1, 6-118, 6-206.1, 6-208.1, 6-514,
23 11-501.1, and 11-501.2 and by adding Sections 2-118.2 and
24 11-501.9 as follows:

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

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

5 (a) A statutory summary suspension or revocation of driving
6 privileges under Section 11-501.1 shall not become effective
7 until the person is notified in writing of the impending
8 suspension or revocation and informed that he may request a
9 hearing in the circuit court of venue under paragraph (b) of
10 this Section and the statutory summary suspension or revocation
11 shall become effective as provided in Section 11-501.1.

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

1 The hearing may be conducted upon a review of the law
2 enforcement officer's own official reports; provided however,
3 that the person may subpoena the officer. Failure of the
4 officer to answer the subpoena shall be considered grounds for
5 a continuance if in the court's discretion the continuance is
6 appropriate.

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

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

14 2. Whether the officer had reasonable grounds to
15 believe that the person was driving or in actual physical
16 control of a motor vehicle upon a highway while under the
17 influence of alcohol, other drug, or combination of both;
18 and

19 3. Whether the person, after being advised by the
20 officer that the privilege to operate a motor vehicle would
21 be suspended or revoked if the person refused to submit to
22 and complete the test or tests, did refuse to submit to or
23 complete the test or tests to determine the person's blood
24 alcohol or drug concentration ~~authorized under Section~~
25 ~~11-501.1~~; or

26 4. Whether the person, after being advised by the

1 officer that the privilege to operate a motor vehicle would
2 be suspended if the person submits to a chemical test, or
3 tests, and the test discloses an alcohol concentration of
4 0.08 or more, or any amount of a drug, substance, or
5 compound in the person's blood or urine resulting from the
6 unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating
9 compound as listed in the Use of Intoxicating Compounds
10 Act, or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act, and the person did
12 submit to and complete the test or tests that determined an
13 alcohol concentration of 0.08 or more.

14 4.2. (Blank). ~~If the person is a qualifying patient~~
15 ~~licensed under the Compassionate Use of Medical Cannabis~~
16 ~~Pilot Program Act who is in possession of a valid registry~~
17 ~~card issued under that Act, after being advised by the~~
18 ~~officer that the privilege to operate a motor vehicle would~~
19 ~~be suspended or revoked if the person refused to submit to~~
20 ~~and complete the test or tests, did refuse to submit to or~~
21 ~~complete the test or tests authorized under Section~~
22 ~~11-501.1.~~

23 4.5. (Blank). ~~If the person is a qualifying patient~~
24 ~~licensed under the Compassionate Use of Medical Cannabis~~
25 ~~Pilot Program Act who is in possession of a valid registry~~
26 ~~card issued under that Act, whether that person, after~~

1 ~~being advised by the officer that the privilege to operate~~
2 ~~a motor vehicle would be suspended if the person submits to~~
3 ~~a standardized field sobriety test, or tests, and the test~~
4 ~~indicates impairment resulting from the consumption of~~
5 ~~cannabis, did submit to and complete the test or tests that~~
6 ~~indicated impairment.~~

7 5. If the person's driving privileges were revoked,
8 whether the person was involved in a motor vehicle accident
9 that caused Type A injury or death to another.

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

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

17 (625 ILCS 5/2-118.2 new)

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

20 (a) A suspension of driving privileges under Section
21 11-501.9 of this Code shall not become effective until the
22 person is notified in writing of the impending suspension and
23 informed that he or she may request a hearing in the circuit
24 court of venue under subsection (b) of this Section and the
25 suspension shall become effective as provided in Section

1 11-501.9.

2 (b) Within 90 days after the notice of suspension served
3 under Section 11-501.9, the person may make a written request
4 for a judicial hearing in the circuit court of venue. The
5 request to the circuit court shall state the grounds upon which
6 the person seeks to have the suspension rescinded. Within 30
7 days after receipt of the written request or the first
8 appearance date on the Uniform Traffic Ticket issued for a
9 violation of Section 11-501 of this Code, or a similar
10 provision of a local ordinance, the hearing shall be conducted
11 by the circuit court having jurisdiction. This judicial
12 hearing, request, or process shall not stay or delay the
13 suspension. The hearing shall proceed in the court in the same
14 manner as in other civil proceedings.

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

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

22 (1) Whether the person was issued a registry
23 identification card under the Compassionate Use of Medical
24 Cannabis Pilot Program Act; and

25 (2) Whether the officer had reasonable suspicion to
26 believe that the person was driving or in actual physical

1 control of a motor vehicle upon a highway while impaired by
2 the use of cannabis; and

3 (3) Whether the person, after being advised by the
4 officer that the privilege to operate a motor vehicle would
5 be suspended if the person refused to submit to and
6 complete the field sobriety tests, did refuse to submit to
7 or complete the field sobriety tests authorized under
8 Section 11-501.9; and

9 (4) Whether the person after being advised by the
10 officer that the privilege to operate a motor vehicle would
11 be suspended if the person submitted to field sobriety
12 tests that disclosed the person was impaired by the use of
13 cannabis, did submit to field sobriety tests that disclosed
14 that the person was impaired by the use of cannabis.

15 Upon the conclusion of the judicial hearing, the circuit
16 court shall sustain or rescind the suspension and immediately
17 notify the Secretary of State. Reports received by the
18 Secretary of State under this Section shall be privileged
19 information and for use only by the courts, police officers,
20 and Secretary of State.

21 (625 ILCS 5/6-118)

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

23 Sec. 6-118. Fees.

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

1	Original driver's license	\$30
2	Original or renewal driver's license	
3	issued to 18, 19 and 20 year olds	5
4	All driver's licenses for persons	
5	age 69 through age 80	5
6	All driver's licenses for persons	
7	age 81 through age 86	2
8	All driver's licenses for persons	
9	age 87 or older	0
10	Renewal driver's license (except for	
11	applicants ages 18, 19 and 20 or	
12	age 69 and older)	30
13	Original instruction permit issued to	
14	persons (except those age 69 and older)	
15	who do not hold or have not previously	
16	held an Illinois instruction permit or	
17	driver's license	20
18	Instruction permit issued to any person	
19	holding an Illinois driver's license	
20	who wishes a change in classifications,	
21	other than at the time of renewal	5
22	Any instruction permit issued to a person	
23	age 69 and older	5
24	Instruction permit issued to any person,	
25	under age 69, not currently holding a	
26	valid Illinois driver's license or	

1 instruction permit but who has
2 previously been issued either document
3 in Illinois 10
4 Restricted driving permit 8
5 Monitoring device driving permit 8
6 Duplicate or corrected driver's license
7 or permit 5
8 Duplicate or corrected restricted
9 driving permit 5
10 Duplicate or corrected monitoring
11 device driving permit 5
12 Duplicate driver's license or permit issued to
13 an active-duty member of the
14 United States Armed Forces,
15 the member's spouse, or
16 the dependent children living
17 with the member 0
18 Original or renewal M or L endorsement..... 5

19 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

22 Commercial driver's license:

- 23 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
- 24 (Commercial Driver's License Information
- 25 System/American Association of Motor Vehicle
- 26 Administrators network/National Motor Vehicle

1 Title Information Service Trust Fund);
 2 \$20 for the Motor Carrier Safety Inspection Fund;
 3 \$10 for the driver's license;
 4 and \$24 for the CDL: \$60

5 Renewal commercial driver's license:
 6 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
 7 \$20 for the Motor Carrier Safety Inspection Fund;
 8 \$10 for the driver's license; and
 9 \$24 for the CDL: \$60

10 Commercial driver instruction permit
 11 issued to any person holding a valid
 12 Illinois driver's license for the
 13 purpose of changing to a
 14 CDL classification: \$6 for the
 15 CDLIS/AAMVAnet/NMVTIS Trust Fund;
 16 \$20 for the Motor Carrier
 17 Safety Inspection Fund; and
 18 \$24 for the CDL classification \$50

19 Commercial driver instruction permit
 20 issued to any person holding a valid
 21 Illinois CDL for the purpose of
 22 making a change in a classification,
 23 endorsement or restriction \$5

24 CDL duplicate or corrected license \$5

25 In order to ensure the proper implementation of the Uniform
 26 Commercial Driver License Act, Article V of this Chapter, the

1 Secretary of State is empowered to pro-rate the \$24 fee for the
2 commercial driver's license proportionate to the expiration
3 date of the applicant's Illinois driver's license.

4 The fee for any duplicate license or permit shall be waived
5 for any person who presents the Secretary of State's office
6 with a police report showing that his license or permit was
7 stolen.

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

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

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

21	Suspension under Section 3-707	\$100
22	Summary suspension under Section 11-501.1	\$250
23	<u>Suspension under Section 11-501.9</u>	<u>\$250</u>
24	Summary revocation under Section 11-501.1	\$500
25	Other suspension	\$70
26	Revocation	\$500

1 However, any person whose license or privilege to operate a
 2 motor vehicle in this State has been suspended or revoked for a
 3 second or subsequent time for a violation of Section 11-501, ~~or~~
 4 11-501.1, or 11-501.9 of this Code or a similar provision of a
 5 local ordinance or a similar out-of-state offense or Section
 6 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
 7 and each suspension or revocation was for a violation of
 8 Section 11-501, ~~or~~ 11-501.1, or 11-501.9 of this Code or a
 9 similar provision of a local ordinance or a similar
 10 out-of-state offense or Section 9-3 of the Criminal Code of
 11 1961 or the Criminal Code of 2012 shall pay, in addition to any
 12 other fees required by this Code, a reinstatement fee as
 13 follows:

14	Summary suspension under Section 11-501.1	\$500
15	<u>Suspension under Section 11-501.9</u>	<u>\$500</u>
16	Summary revocation under Section 11-501.1	\$500
17	Revocation	\$500

18 (c) All fees collected under the provisions of this Chapter
 19 6 shall be paid into the Road Fund in the State Treasury except
 20 as follows:

- 21 1. The following amounts shall be paid into the Driver
- 22 Education Fund:
 - 23 (A) \$16 of the \$20 fee for an original driver's
 - 24 instruction permit;
 - 25 (B) \$5 of the \$30 fee for an original driver's
 - 26 license;

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

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

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

7 2. \$30 of the \$250 fee for reinstatement of a license
8 summarily suspended under Section 11-501.1 or suspended
9 under Section 11-501.9 shall be deposited into the Drunk
10 and Drugged Driving Prevention Fund. However, for a person
11 whose license or privilege to operate a motor vehicle in
12 this State has been suspended or revoked for a second or
13 subsequent time for a violation of Section 11-501, ~~or~~
14 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
16 the \$500 fee for reinstatement of a license summarily
17 suspended under Section 11-501.1 or suspended under
18 Section 11-501.9, and \$190 of the \$500 fee for
19 reinstatement of a revoked license shall be deposited into
20 the Drunk and Drugged Driving Prevention Fund. \$190 of the
21 \$500 fee for reinstatement of a license summarily revoked
22 pursuant to Section 11-501.1 shall be deposited into the
23 Drunk and Drugged Driving Prevention Fund.

24 3. \$6 of such original or renewal fee for a commercial
25 driver's license and \$6 of the commercial driver
26 instruction permit fee when such permit is issued to any

1 person holding a valid Illinois driver's license, shall be
2 paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

3 4. \$30 of the \$70 fee for reinstatement of a license
4 suspended under the Family Financial Responsibility Law
5 shall be paid into the Family Responsibility Fund.

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

9 6. \$20 of any original or renewal fee for a commercial
10 driver's license or commercial driver instruction permit
11 shall be paid into the Motor Carrier Safety Inspection
12 Fund.

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

15 (A) \$190 of the \$250 reinstatement fee for a
16 summary suspension under Section 11-501.1 or a
17 suspension under Section 11-501.9;

18 (B) \$40 of the \$70 reinstatement fee for any other
19 suspension provided in subsection (b) of this Section;
20 and

21 (C) \$440 of the \$500 reinstatement fee for a first
22 offense revocation and \$310 of the \$500 reinstatement
23 fee for a second or subsequent revocation.

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

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

4 (f) As used in this Section, "active-duty member of the
5 United States Armed Forces" means a member of the Armed
6 Services or Reserve Forces of the United States or a member of
7 the Illinois National Guard who is called to active duty
8 pursuant to an executive order of the President of the United
9 States, an act of the Congress of the United States, or an
10 order of the Governor.

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

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

14 Sec. 6-118. Fees.

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

17	Original driver's license	\$30
18	Original or renewal driver's license	
19	issued to 18, 19 and 20 year olds	5
20	All driver's licenses for persons	
21	age 69 through age 80	5
22	All driver's licenses for persons	
23	age 81 through age 86	2
24	All driver's licenses for persons	
25	age 87 or older	0

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

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

10 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

13 Commercial driver's license:

- 14 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
- 15 (Commercial Driver's License Information
- 16 System/American Association of Motor Vehicle
- 17 Administrators network/National Motor Vehicle
- 18 Title Information Service Trust Fund);
- 19 \$20 for the Motor Carrier Safety Inspection Fund;
- 20 \$10 for the driver's license;
- 21 and \$24 for the CDL: \$60

22 Renewal commercial driver's license:

- 23 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
- 24 \$20 for the Motor Carrier Safety Inspection Fund;
- 25 \$10 for the driver's license; and
- 26 \$24 for the CDL: \$60

1 Commercial learner's permit
 2 issued to any person holding a valid
 3 Illinois driver's license for the
 4 purpose of changing to a
 5 CDL classification: \$6 for the
 6 CDLIS/AAMVAnet/NMVTIS Trust Fund;
 7 \$20 for the Motor Carrier
 8 Safety Inspection Fund; and
 9 \$24 for the CDL classification \$50

10 Commercial learner's permit
 11 issued to any person holding a valid
 12 Illinois CDL for the purpose of
 13 making a change in a classification,
 14 endorsement or restriction \$5
 15 CDL duplicate or corrected license \$5

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

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

25 The fee for any duplicate license or permit shall be waived
 26 for any person age 60 or older whose driver's license or permit

1 has been lost or stolen.

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

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

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

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

1 out-of-state offense or Section 9-3 of the Criminal Code of
2 1961 or the Criminal Code of 2012 shall pay, in addition to any
3 other fees required by this Code, a reinstatement fee as
4 follows:

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

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

12 1. The following amounts shall be paid into the Driver
13 Education Fund:

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

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

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

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

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

24 2. \$30 of the \$250 fee for reinstatement of a license
25 summarily suspended under Section 11-501.1 or suspended
26 under Section 11-501.9 shall be deposited into the Drunk

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

15 3. \$6 of the original or renewal fee for a commercial
16 driver's license and \$6 of the commercial learner's permit
17 fee when the permit is issued to any person holding a valid
18 Illinois driver's license, shall be paid into the
19 CDLIS/AAMVAnet/NMVTIS Trust Fund.

20 4. \$30 of the \$70 fee for reinstatement of a license
21 suspended under the Family Financial Responsibility Law
22 shall be paid into the Family Responsibility Fund.

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

26 6. \$20 of any original or renewal fee for a commercial

1 driver's license or commercial learner's permit shall be
2 paid into the Motor Carrier Safety Inspection Fund.

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

5 (A) \$190 of the \$250 reinstatement fee for a
6 summary suspension under Section 11-501.1 or a
7 suspension under Section 11-501.9;

8 (B) \$40 of the \$70 reinstatement fee for any other
9 suspension provided in subsection (b) of this Section;
10 and

11 (C) \$440 of the \$500 reinstatement fee for a first
12 offense revocation and \$310 of the \$500 reinstatement
13 fee for a second or subsequent revocation.

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

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

20 (f) As used in this Section, "active-duty member of the
21 United States Armed Forces" means a member of the Armed
22 Services or Reserve Forces of the United States or a member of
23 the Illinois National Guard who is called to active duty
24 pursuant to an executive order of the President of the United
25 States, an act of the Congress of the United States, or an
26 order of the Governor.

1 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
2 98-176, eff. 7-8-15 (see Section 10 of P.A. 98-722 for the
3 effective date of changes made by P.A. 98-176); 98-177, eff.
4 1-1-14; 98-756, eff. 7-16-14.)

5 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

6 Sec. 6-206.1. Monitoring Device Driving Permit.
7 Declaration of Policy. It is hereby declared a policy of the
8 State of Illinois that the driver who is impaired by alcohol,
9 other drug or drugs, or intoxicating compound or compounds is a
10 threat to the public safety and welfare. Therefore, to provide
11 a deterrent to such practice, a statutory summary driver's
12 license suspension is appropriate. It is also recognized that
13 driving is a privilege and therefore, that the granting of
14 driving privileges, in a manner consistent with public safety,
15 is warranted during the period of suspension in the form of a
16 monitoring device driving permit. A person who drives and fails
17 to comply with the requirements of the monitoring device
18 driving permit commits a violation of Section 6-303 of this
19 Code.

20 The following procedures shall apply whenever a first
21 offender, as defined in Section 11-500 of this Code, is
22 arrested for any offense as defined in Section 11-501 or a
23 similar provision of a local ordinance and is subject to the
24 provisions of Section 11-501.1:

25 (a) Upon mailing of the notice of suspension of driving

1 privileges as provided in subsection (h) of Section 11-501.1 of
2 this Code, the Secretary shall also send written notice
3 informing the person that he or she will be issued a monitoring
4 device driving permit (MDDP). The notice shall include, at
5 minimum, information summarizing the procedure to be followed
6 for issuance of the MDDP, installation of the breath alcohol
7 ignition installation device (BAIID), as provided in this
8 Section, exemption from BAIID installation requirements, and
9 procedures to be followed by those seeking indigent status, as
10 provided in this Section. The notice shall also include
11 information summarizing the procedure to be followed if the
12 person wishes to decline issuance of the MDDP. A copy of the
13 notice shall also be sent to the court of venue together with
14 the notice of suspension of driving privileges, as provided in
15 subsection (h) of Section 11-501. However, a MDDP shall not be
16 issued if the Secretary finds that:

17 (1) the offender's driver's license is otherwise
18 invalid;

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

21 (3) the offender has been previously convicted of
22 reckless homicide or aggravated driving under the
23 influence involving death;

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

25 (5) the offender is a qualifying patient licensed under
26 the Compassionate Use of Medical Cannabis Pilot Program Act

1 who is in possession of a valid registry card issued under
2 that Act and refused to submit to standardized field
3 sobriety tests as required by subsection (a) ~~(a-5)~~ of
4 Section 11-501.9 ~~11-501.1~~ or did submit to testing which
5 disclosed the person was impaired by the use of cannabis
6 ~~and failed the test or tests.~~

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

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

21 Upon receipt of the notice, as provided in paragraph (a) of
22 this Section, the person may file a petition to decline
23 issuance of the MDDP with the court of venue. The court shall
24 admonish the offender of all consequences of declining issuance
25 of the MDDP including, but not limited to, the enhanced
26 penalties for driving while suspended. After being so

1 admonished, the offender shall be permitted, in writing, to
2 execute a notice declining issuance of the MDDP. This notice
3 shall be filed with the court and forwarded by the clerk of the
4 court to the Secretary. The offender may, at any time
5 thereafter, apply to the Secretary for issuance of a MDDP.

6 (a-1) A person issued a MDDP may drive for any purpose and
7 at any time, subject to the rules adopted by the Secretary
8 under subsection (g). The person must, at his or her own
9 expense, drive only vehicles equipped with an ignition
10 interlock device as defined in Section 1-129.1, but in no event
11 shall such person drive a commercial motor vehicle.

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

1 a family member of the person holding the MDDP. No person may
2 use this exemption to drive an employer-owned vehicle that is
3 made available to the employee for personal use. No person may
4 drive the exempted vehicle more than 12 hours per day, 6 days
5 per week.

6 (a-3) Persons who are issued a MDDP and who must drive a
7 farm tractor to and from a farm, within 50 air miles from the
8 originating farm are exempt from installation of a BAIID on the
9 farm tractor, so long as the farm tractor is being used for the
10 exclusive purpose of conducting farm operations.

11 (b) (Blank).

12 (c) (Blank).

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

23 (c-5) If the Secretary determines that the person seeking
24 the MDDP is indigent, the Secretary shall provide the person
25 with a written document as evidence of that determination, and
26 the person shall provide that written document to an ignition

1 interlock device provider. The provider shall install an
2 ignition interlock device on that person's vehicle without
3 charge to the person, and seek reimbursement from the Indigent
4 BAIID Fund. If the Secretary has deemed an offender indigent,
5 the BAIID provider shall also provide the normal monthly
6 monitoring services and the de-installation without charge to
7 the offender and seek reimbursement from the Indigent BAIID
8 Fund. Any other monetary charges, such as a lockout fee or
9 reset fee, shall be the responsibility of the MDDP holder. A
10 BAIID provider may not seek a security deposit from the
11 Indigent BAIID Fund.

12 (d) MDDP information shall be available only to the courts,
13 police officers, and the Secretary, except during the actual
14 period the MDDP is valid, during which time it shall be a
15 public record.

16 (e) (Blank).

17 (f) (Blank).

18 (g) The Secretary shall adopt rules for implementing this
19 Section. The rules adopted shall address issues including, but
20 not limited to: compliance with the requirements of the MDDP;
21 methods for determining compliance with those requirements;
22 the consequences of noncompliance with those requirements;
23 what constitutes a violation of the MDDP; methods for
24 determining indigency; and the duties of a person or entity
25 that supplies the ignition interlock device.

26 (h) The rules adopted under subsection (g) shall provide,

1 at a minimum, that the person is not in compliance with the
2 requirements of the MDDP if he or she:

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

5 (2) provides valid breath samples that register blood
6 alcohol levels in excess of the number of times allowed
7 under the rules;

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

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

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

21 (j) Upon making a determination that a violation of the
22 requirements of the MDDP has occurred, the Secretary shall
23 extend the summary suspension period for an additional 3 months
24 beyond the originally imposed summary suspension period,
25 during which time the person shall only be allowed to drive
26 vehicles equipped with an ignition interlock device; provided

1 further there are no limitations on the total number of times
2 the summary suspension may be extended. The Secretary may,
3 however, limit the number of extensions imposed for violations
4 occurring during any one monitoring period, as set forth by
5 rule. Any person whose summary suspension is extended pursuant
6 to this Section shall have the right to contest the extension
7 through a hearing with the Secretary, pursuant to Section 2-118
8 of this Code. If the summary suspension has already terminated
9 prior to the Secretary receiving the monitoring report that
10 shows a violation, the Secretary shall be authorized to suspend
11 the person's driving privileges for 3 months, provided that the
12 Secretary may, by rule, limit the number of suspensions to be
13 entered pursuant to this paragraph for violations occurring
14 during any one monitoring period. Any person whose license is
15 suspended pursuant to this paragraph, after the summary
16 suspension had already terminated, shall have the right to
17 contest the suspension through a hearing with the Secretary,
18 pursuant to Section 2-118 of this Code. The only permit the
19 person shall be eligible for during this new suspension period
20 is a MDDP.

21 (k) A person who has had his or her summary suspension
22 extended for the third time, or has any combination of 3
23 extensions and new suspensions, entered as a result of a
24 violation that occurred while holding the MDDP, so long as the
25 extensions and new suspensions relate to the same summary
26 suspension, shall have his or her vehicle impounded for a

1 period of 30 days, at the person's own expense. A person who
2 has his or her summary suspension extended for the fourth time,
3 or has any combination of 4 extensions and new suspensions,
4 entered as a result of a violation that occurred while holding
5 the MDDP, so long as the extensions and new suspensions relate
6 to the same summary suspension, shall have his or her vehicle
7 subject to seizure and forfeiture. The Secretary shall notify
8 the prosecuting authority of any third or fourth extensions or
9 new suspension entered as a result of a violation that occurred
10 while the person held a MDDP. Upon receipt of the notification,
11 the prosecuting authority shall impound or forfeit the vehicle.
12 The impoundment or forfeiture of a vehicle shall be conducted
13 pursuant to the procedure specified in Article 36 of the
14 Criminal Code of 2012.

15 (1) A person whose driving privileges have been suspended
16 under Section 11-501.1 of this Code and who had a MDDP that was
17 cancelled, or would have been cancelled had notification of a
18 violation been received prior to expiration of the MDDP,
19 pursuant to subsection (c-1) of this Section, shall not be
20 eligible for reinstatement when the summary suspension is
21 scheduled to terminate. Instead, the person's driving
22 privileges shall be suspended for a period of not less than
23 twice the original summary suspension period, or for the length
24 of any extensions entered under subsection (j), whichever is
25 longer. During the period of suspension, the person shall be
26 eligible only to apply for a restricted driving permit. If a

1 restricted driving permit is granted, the offender may only
2 operate vehicles equipped with a BAIID in accordance with this
3 Section.

4 (m) Any person or entity that supplies an ignition
5 interlock device under this Section shall, for each ignition
6 interlock device installed, pay 5% of the total gross revenue
7 received for the device, including monthly monitoring fees,
8 into the Indigent BAIID Fund. This 5% shall be clearly
9 indicated as a separate surcharge on each invoice that is
10 issued. The Secretary shall conduct an annual review of the
11 fund to determine whether the surcharge is sufficient to
12 provide for indigent users. The Secretary may increase or
13 decrease this surcharge requirement as needed.

14 (n) Any person or entity that supplies an ignition
15 interlock device under this Section that is requested to
16 provide an ignition interlock device to a person who presents
17 written documentation of indigency from the Secretary, as
18 provided in subsection (c-5) of this Section, shall install the
19 device on the person's vehicle without charge to the person and
20 shall seek reimbursement from the Indigent BAIID Fund.

21 (o) The Indigent BAIID Fund is created as a special fund in
22 the State treasury. The Secretary shall, subject to
23 appropriation by the General Assembly, use all money in the
24 Indigent BAIID Fund to reimburse ignition interlock device
25 providers who have installed devices in vehicles of indigent
26 persons. The Secretary shall make payments to such providers

1 every 3 months. If the amount of money in the fund at the time
2 payments are made is not sufficient to pay all requests for
3 reimbursement submitted during that 3 month period, the
4 Secretary shall make payments on a pro-rata basis, and those
5 payments shall be considered payment in full for the requests
6 submitted.

7 (p) The Monitoring Device Driving Permit Administration
8 Fee Fund is created as a special fund in the State treasury.
9 The Secretary shall, subject to appropriation by the General
10 Assembly, use the money paid into this fund to offset its
11 administrative costs for administering MDDPs.

12 (q) The Secretary is authorized to prescribe such forms as
13 it deems necessary to carry out the provisions of this Section.
14 (Source: P.A. 97-229, eff. 7-28-11; 97-813, eff. 7-13-12;
15 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1015, eff.
16 8-22-14.)

17 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

18 Sec. 6-208.1. Period of statutory summary alcohol, other
19 drug, or intoxicating compound related suspension or
20 revocation.

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

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

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

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

25 4. one year from the effective date of the summary
26 suspension imposed for any person other than a first

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

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

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

1 Code.

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

6 (d) Where a driving privilege has been summarily suspended
7 or revoked under Section 11-501.1 and the person is
8 subsequently convicted of violating Section 11-501, or a
9 similar provision of a local ordinance, for the same incident,
10 any period served on statutory summary suspension or revocation
11 shall be credited toward the minimum period of revocation of
12 driving privileges imposed pursuant to Section 6-205.

13 (e) A first offender who refused chemical testing and whose
14 driving privileges were summarily revoked pursuant to Section
15 11-501.1 shall not be eligible for a monitoring device driving
16 permit, but may make application for reinstatement or for a
17 restricted driving permit after a period of one year has
18 elapsed from the effective date of the revocation.

19 (f) (Blank).

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

24 (h) (Blank).

25 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;
26 98-1015, eff. 8-22-14.)

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

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

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

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

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

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

1 11-501.8 or any amount of a drug, substance, or compound in
2 the person's blood or urine resulting from the unlawful use
3 or consumption of cannabis listed in the Cannabis Control
4 Act, a controlled substance listed in the Illinois
5 Controlled Substances Act, or methamphetamine as listed in
6 the Methamphetamine Control and Community Protection Act
7 as indicated by a police officer's sworn report or other
8 verified evidence while holding a commercial driver's
9 license; or

10 (3) Conviction for a first violation of:

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

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

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

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

1 (v) Causing a fatality through the negligent
2 operation of a commercial motor vehicle, including but
3 not limited to the crimes of motor vehicle
4 manslaughter, homicide by a motor vehicle, and
5 negligent homicide.

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

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

23 (4) (Blank). ~~If the person is a qualifying patient~~
24 ~~licensed under the Compassionate Use of Medical Cannabis~~
25 ~~Pilot Program Act who is in possession of a valid registry~~
26 ~~card issued under that Act, operating a commercial motor~~

1 ~~vehicle under impairment resulting from the consumption of~~
2 ~~cannabis, as determined by failure of standardized field~~
3 ~~sobriety tests administered by a law enforcement officer as~~
4 ~~directed by subsection (a 5) of Section 11-501.2.~~

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

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

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

26 (e) A person is disqualified from driving a commercial

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

19 (e-1) (Blank).

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

25 (g) After suspending, revoking, or cancelling a commercial
26 driver's license, the Secretary of State must update the

1 driver's records to reflect such action within 10 days. After
2 suspending or revoking the driving privilege of any person who
3 has been issued a CDL or commercial driver instruction permit
4 from another jurisdiction, the Secretary shall originate
5 notification to such issuing jurisdiction within 10 days.

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

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

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

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

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

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

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

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

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

19 (j) Disqualification for railroad-highway grade crossing
20 violation.

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

1 offense was committed while operating a commercial motor
2 vehicle:

3 (i) For drivers who are not required to always
4 stop, failing to slow down and check that the tracks
5 are clear of an approaching train or railroad track
6 equipment, as described in subsection (a-5) of Section
7 11-1201 of this Code;

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

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

15 (iv) For all drivers, failing to have sufficient
16 space to drive completely through the crossing without
17 stopping, as described in subsection (b) of Section
18 11-1425 of this Code;

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

23 (vi) For all drivers, failing to negotiate a
24 crossing because of insufficient undercarriage
25 clearance, as described in subsection (d-1) of Section
26 11-1201 of this Code.

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

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

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

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

1 committed in separate incidents.

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

9 (l) A foreign commercial driver is subject to
10 disqualification under this Section.

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

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

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

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

20 (1) Refusing to submit to or failure to complete a test
21 or tests to determine the driver's blood concentration of
22 alcohol, other drug, or both ~~authorized under Section~~
23 ~~11-501.1~~ while driving a commercial motor vehicle or, if
24 the driver is a CLP or CDL holder, while driving a non-CMV;
25 or

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

22 (3) Conviction for a first violation of:

23 (i) Driving a commercial motor vehicle or, if the
24 driver is a CLP or CDL holder, driving a non-CMV while
25 under the influence of alcohol, or any other drug, or
26 combination of drugs to a degree which renders such

1 person incapable of safely driving; or

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

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

9 (iv) Driving a commercial motor vehicle while the
10 person's driving privileges or driver's license or
11 permit is revoked, suspended, or cancelled or the
12 driver is disqualified from operating a commercial
13 motor vehicle; or

14 (v) Causing a fatality through the negligent
15 operation of a commercial motor vehicle, including but
16 not limited to the crimes of motor vehicle
17 manslaughter, homicide by a motor vehicle, and
18 negligent homicide.

19 As used in this subdivision (a)(3)(v), "motor
20 vehicle manslaughter" means the offense of involuntary
21 manslaughter if committed by means of a vehicle;
22 "homicide by a motor vehicle" means the offense of
23 first degree murder or second degree murder, if either
24 offense is committed by means of a vehicle; and
25 "negligent homicide" means reckless homicide under
26 Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 and aggravated driving under the
2 influence of alcohol, other drug or drugs,
3 intoxicating compound or compounds, or any combination
4 thereof under subdivision (d)(1)(F) of Section 11-501
5 of this Code.

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

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

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

22 (c) A person is disqualified from driving a commercial
23 motor vehicle for life if the person either (i) uses a
24 commercial motor vehicle in the commission of any felony
25 involving the manufacture, distribution, or dispensing of a
26 controlled substance, or possession with intent to

1 manufacture, distribute or dispense a controlled substance or
2 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the
3 commission of a felony involving any of those activities.

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

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

1 violation committed in a non-CMV would result in the suspension
2 or revocation of the CLP or CDL holder's non-CMV privileges. If
3 all the convictions occurred in a non-CMV, the disqualification
4 shall be entered only if the convictions would result in the
5 suspension or revocation of the CLP or CDL holder's non-CMV
6 privileges.

7 (e-1) (Blank).

8 (f) Notwithstanding any other provision of this Code, any
9 driver disqualified from operating a commercial motor vehicle,
10 pursuant to this UCDLA, shall not be eligible for restoration
11 of commercial driving privileges during any such period of
12 disqualification.

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

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

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

26 (1) For 6 months upon a first conviction of paragraph

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

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

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

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

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

26 (6) For 5 years upon a third or subsequent conviction

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

7 (j) Disqualification for railroad-highway grade crossing
8 violation.

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

17 (i) For drivers who are not required to always
18 stop, failing to slow down and check that the tracks
19 are clear of an approaching train or railroad track
20 equipment, as described in subsection (a-5) of Section
21 11-1201 of this Code;

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

26 (iii) For drivers who are always required to stop,

1 failing to stop before driving onto the crossing, as
2 described in Section 11-1202 of this Code;

3 (iv) For all drivers, failing to have sufficient
4 space to drive completely through the crossing without
5 stopping, as described in subsection (b) of Section
6 11-1425 of this Code;

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

11 (vi) For all drivers, failing to negotiate a
12 crossing because of insufficient undercarriage
13 clearance, as described in subsection (d-1) of Section
14 11-1201 of this Code.

15 (2) Duration of disqualification for railroad-highway
16 grade crossing violation.

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

24 (ii) Second violation. A driver must be
25 disqualified from operating a commercial motor vehicle
26 for not less than 120 days if the driver is convicted

1 of a violation described in paragraph (1) of this
2 subsection (j) and, in the three-year period preceding
3 the conviction, the driver had one other conviction for
4 a violation described in paragraph (1) of this
5 subsection (j) that was committed in a separate
6 incident.

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

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

23 (l) A foreign commercial driver is subject to
24 disqualification under this Section.

25 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
26 98-122, eff. 1-1-14; 98-176, eff. 7-8-15 (see Section 10 of

1 P.A. 98-722 for the effective date of changes made by P.A.
2 98-176); 98-722, eff. 7-16-14; 98-756, eff. 7-16-14.)

3 (625 ILCS 5/11-501.1)

4 Sec. 11-501.1. Suspension of drivers license; statutory
5 summary alcohol, other drug or drugs, or intoxicating compound
6 or compounds related suspension or revocation; implied
7 consent.

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

1 blood or breath test or both has been administered. For
2 purposes of this Section, an Illinois law enforcement officer
3 of this State who is investigating the person for any offense
4 defined in Section 11-501 may travel into an adjoining state,
5 where the person has been transported for medical care, to
6 complete an investigation and to request that the person submit
7 to the test or tests set forth in this Section. The
8 requirements of this Section that the person be arrested are
9 inapplicable, but the officer shall issue the person a Uniform
10 Traffic Ticket for an offense as defined in Section 11-501 or a
11 similar provision of a local ordinance prior to requesting that
12 the person submit to the test or tests. The issuance of the
13 Uniform Traffic Ticket shall not constitute an arrest, but
14 shall be for the purpose of notifying the person that he or she
15 is subject to the provisions of this Section and of the
16 officer's belief of the existence of probable cause to arrest.
17 Upon returning to this State, the officer shall file the
18 Uniform Traffic Ticket with the Circuit Clerk of the county
19 where the offense was committed, and shall seek the issuance of
20 an arrest warrant or a summons for the person.

21 (a-5) (Blank). ~~In addition to the requirements and~~
22 ~~provisions of subsection (a), any person issued a registry card~~
23 ~~under the Compassionate Use of Medical Cannabis Pilot Program~~
24 ~~Act who drives or is in actual physical control of a motor~~
25 ~~vehicle upon the public highways of this State shall be deemed~~
26 ~~to have given consent, subject to the provisions of Section~~

1 ~~11-501.2, to standardized field sobriety tests approved by the~~
2 ~~National Highway Traffic Safety Administration if arrested, as~~
3 ~~evidenced by the issuance of a Uniform Traffic Ticket, for any~~
4 ~~offense as defined in Section 11-501 or a similar provision of~~
5 ~~a local ordinance, or if arrested for violating Section 11-401.~~
6 ~~The person's status as a registry card holder alone is not a~~
7 ~~sufficient basis for conducting these tests. The officer must~~
8 ~~have an independent, cannabis related factual basis giving~~
9 ~~reasonable suspicion that the person is driving under the~~
10 ~~influence of cannabis for conducting standardized field~~
11 ~~sobriety tests. This independent basis of suspicion shall be~~
12 ~~listed on the standardized field sobriety test results and any~~
13 ~~influence reports made by the arresting officer.~~

14 (b) Any person who is dead, unconscious, or who is
15 otherwise in a condition rendering the person incapable of
16 refusal, shall be deemed not to have withdrawn the consent
17 provided by paragraph (a) of this Section and the test or tests
18 may be administered, subject to the provisions of Section
19 11-501.2.

20 (c) A person requested to submit to a test as provided
21 above shall be warned by the law enforcement officer requesting
22 the test that a refusal to submit to the test will result in
23 the statutory summary suspension of the person's privilege to
24 operate a motor vehicle, as provided in Section 6-208.1 of this
25 Code, and will also result in the disqualification of the
26 person's privilege to operate a commercial motor vehicle, as

1 provided in Section 6-514 of this Code, if the person is a CDL
2 holder. The person shall also be warned that a refusal to
3 submit to the test, when the person was involved in a motor
4 vehicle accident that caused personal injury or death to
5 another, will result in the statutory summary revocation of the
6 person's privilege to operate a motor vehicle, as provided in
7 Section 6-208.1, and will also result in the disqualification
8 of the person's privilege to operate a commercial motor
9 vehicle, as provided in Section 6-514 of this Code, if the
10 person is a CDL holder. The person shall also be warned by the
11 law enforcement officer that if the person submits to the test
12 or tests provided in paragraph (a) of this Section and the
13 alcohol concentration in the person's blood or breath is 0.08
14 or greater, or any amount of a drug, substance, or compound
15 resulting from the unlawful use or consumption of cannabis as
16 covered by the Cannabis Control Act, a controlled substance
17 listed in the Illinois Controlled Substances Act, an
18 intoxicating compound listed in the Use of Intoxicating
19 Compounds Act, or methamphetamine as listed in the
20 Methamphetamine Control and Community Protection Act is
21 detected in the person's blood or urine, ~~or if the person fails~~
22 ~~the standardized field sobriety tests as required by paragraph~~
23 ~~(a-5),~~ a statutory summary suspension of the person's privilege
24 to operate a motor vehicle, as provided in Sections 6-208.1 and
25 11-501.1 of this Code, and a disqualification of the person's
26 privilege to operate a commercial motor vehicle, as provided in

1 Section 6-514 of this Code, if the person is a CDL holder, will
2 be imposed.

3 A person who is under the age of 21 at the time the person
4 is requested to submit to a test as provided above shall, in
5 addition to the warnings provided for in this Section, be
6 further warned by the law enforcement officer requesting the
7 test that if the person submits to the test or tests provided
8 in paragraph (a) ~~or (a-5)~~ of this Section and the alcohol
9 concentration in the person's blood or breath is greater than
10 0.00 and less than 0.08, a suspension of the person's privilege
11 to operate a motor vehicle, as provided under Sections 6-208.2
12 and 11-501.8 of this Code, will be imposed. The results of this
13 test shall be admissible in a civil or criminal action or
14 proceeding arising from an arrest for an offense as defined in
15 Section 11-501 of this Code or a similar provision of a local
16 ordinance or pursuant to Section 11-501.4 in prosecutions for
17 reckless homicide brought under the Criminal Code of 1961 or
18 the Criminal Code of 2012. These test results, however, shall
19 be admissible only in actions or proceedings directly related
20 to the incident upon which the test request was made.

21 (d) If the person refuses testing or submits to a test that
22 discloses an alcohol concentration of 0.08 or more, or any
23 amount of a drug, substance, or intoxicating compound in the
24 person's breath, blood, or urine resulting from the unlawful
25 use or consumption of cannabis listed in the Cannabis Control
26 Act, a controlled substance listed in the Illinois Controlled

1 Substances Act, an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act, the law
4 enforcement officer shall immediately submit a sworn report to
5 the circuit court of venue and the Secretary of State,
6 certifying that the test or tests was or were requested under
7 paragraph (a) ~~or (a-5)~~ and the person refused to submit to a
8 test, or tests, or submitted to testing that disclosed an
9 alcohol concentration of 0.08 or more. ~~A sworn report~~
10 ~~indicating refusal or failure of testing under paragraph (a-5)~~
11 ~~of this Section shall include the factual basis of the~~
12 ~~arresting officer's reasonable suspicion that the person was~~
13 ~~under the influence of cannabis. The person's possession of a~~
14 ~~valid registry card under the Compassionate Use of Medical~~
15 ~~Cannabis Pilot Program Act alone is not sufficient basis for~~
16 ~~reasonable suspicion.~~

17 (e) Upon receipt of the sworn report of a law enforcement
18 officer submitted under paragraph (d), the Secretary of State
19 shall enter the statutory summary suspension or revocation and
20 disqualification for the periods specified in Sections 6-208.1
21 and 6-514, respectively, and effective as provided in paragraph
22 (g).

23 If the person is a first offender as defined in Section
24 11-500 of this Code, and is not convicted of a violation of
25 Section 11-501 of this Code or a similar provision of a local
26 ordinance, then reports received by the Secretary of State

1 under this Section shall, except during the actual time the
2 Statutory Summary Suspension is in effect, be privileged
3 information and for use only by the courts, police officers,
4 prosecuting authorities or the Secretary of State, unless the
5 person is a CDL holder, is operating a commercial motor vehicle
6 or vehicle required to be placarded for hazardous materials, in
7 which case the suspension shall not be privileged. Reports
8 received by the Secretary of State under this Section shall
9 also be made available to the parent or guardian of a person
10 under the age of 18 years that holds an instruction permit or a
11 graduated driver's license, regardless of whether the
12 statutory summary suspension is in effect. A statutory summary
13 revocation shall not be privileged information.

14 (f) The law enforcement officer submitting the sworn report
15 under paragraph (d) shall serve immediate notice of the
16 statutory summary suspension or revocation on the person and
17 the suspension or revocation and disqualification shall be
18 effective as provided in paragraph (g).

19 (1) In cases where the blood alcohol concentration of
20 0.08 or greater or any amount of a drug, substance, or
21 compound resulting from the unlawful use or consumption of
22 cannabis as covered by the Cannabis Control Act, a
23 controlled substance listed in the Illinois Controlled
24 Substances Act, an intoxicating compound listed in the Use
25 of Intoxicating Compounds Act, or methamphetamine as
26 listed in the Methamphetamine Control and Community

1 Protection Act is established by a subsequent analysis of
2 blood or urine collected at the time of arrest, the
3 arresting officer or arresting agency shall give notice as
4 provided in this Section or by deposit in the United States
5 mail of the notice in an envelope with postage prepaid and
6 addressed to the person at his address as shown on the
7 Uniform Traffic Ticket and the statutory summary
8 suspension and disqualification shall begin as provided in
9 paragraph (g). The officer shall confiscate any Illinois
10 driver's license or permit on the person at the time of
11 arrest. If the person has a valid driver's license or
12 permit, the officer shall issue the person a receipt, in a
13 form prescribed by the Secretary of State, that will allow
14 that person to drive during the periods provided for in
15 paragraph (g). The officer shall immediately forward the
16 driver's license or permit to the circuit court of venue
17 along with the sworn report provided for in paragraph (d).

18 (2) (Blank). ~~In cases indicating refusal or failure of~~
19 ~~testing under paragraph (a 5) of this Section the arresting~~
20 ~~officer or arresting agency shall give notice as provided~~
21 ~~in this Section or by deposit in the United States mail of~~
22 ~~the notice in an envelope with postage prepaid and~~
23 ~~addressed to the person at his or her address as shown on~~
24 ~~the Uniform Traffic Ticket and the statutory summary~~
25 ~~suspension and disqualification shall begin as provided in~~
26 ~~paragraph (g). This notice shall include the factual basis~~

1 ~~of the arresting officer's reasonable suspicion that the~~
2 ~~person was under the influence of cannabis. The person's~~
3 ~~possession of a valid registry card under the Compassionate~~
4 ~~Use of Medical Cannabis Pilot Program Act alone is not~~
5 ~~sufficient basis for reasonable suspicion.~~

6 (g) The statutory summary suspension or revocation and
7 disqualification referred to in this Section shall take effect
8 on the 46th day following the date the notice of the statutory
9 summary suspension or revocation was given to the person.

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

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

26 (i) As used in this Section, "personal injury" includes any

1 Type A injury as indicated on the traffic accident report
2 completed by a law enforcement officer that requires immediate
3 professional attention in either a doctor's office or a medical
4 facility. A Type A injury includes severely bleeding wounds,
5 distorted extremities, and injuries that require the injured
6 party to be carried from the scene.

7 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;
8 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14.)

9 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

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

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

21 1. Chemical analyses of the person's blood, urine,
22 breath or other bodily substance to be considered valid
23 under the provisions of this Section shall have been
24 performed according to standards promulgated by the
25 Department of State Police by a licensed physician,

1 registered nurse, trained phlebotomist, licensed
2 paramedic, or other individual possessing a valid permit
3 issued by that Department for this purpose. The Director of
4 State Police is authorized to approve satisfactory
5 techniques or methods, to ascertain the qualifications and
6 competence of individuals to conduct such analyses, to
7 issue permits which shall be subject to termination or
8 revocation at the discretion of that Department and to
9 certify the accuracy of breath testing equipment. The
10 Department of State Police shall prescribe regulations as
11 necessary to implement this Section.

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

23 When a blood test of a person who has been taken to an
24 adjoining state for medical treatment is requested by an
25 Illinois law enforcement officer, the blood may be
26 withdrawn only by a physician authorized to practice

1 medicine in the adjoining state, a licensed physician
2 assistant, a licensed advanced practice nurse, a
3 registered nurse, a trained phlebotomist acting under the
4 direction of the physician, or licensed paramedic. The law
5 enforcement officer requesting the test shall take custody
6 of the blood sample, and the blood sample shall be analyzed
7 by a laboratory certified by the Department of State Police
8 for that purpose.

9 3. The person tested may have a physician, or a
10 qualified technician, chemist, registered nurse, or other
11 qualified person of their own choosing administer a
12 chemical test or tests in addition to any administered at
13 the direction of a law enforcement officer. The failure or
14 inability to obtain an additional test by a person shall
15 not preclude the admission of evidence relating to the test
16 or tests taken at the direction of a law enforcement
17 officer.

18 4. Upon the request of the person who shall submit to a
19 chemical test or tests at the request of a law enforcement
20 officer, full information concerning the test or tests
21 shall be made available to the person or such person's
22 attorney.

23 5. Alcohol concentration shall mean either grams of
24 alcohol per 100 milliliters of blood or grams of alcohol
25 per 210 liters of breath.

26 (a-5) Law enforcement officials may use standardized field

1 sobriety tests approved by the National Highway Traffic Safety
2 Administration when conducting investigations of a violation
3 of Section 11-501 or similar local ordinance by drivers
4 suspected of driving under the influence of cannabis. The
5 General Assembly finds that standardized field sobriety tests
6 approved by the National Highway Traffic Safety Administration
7 are divided attention tasks that are intended to determine if a
8 person is under the influence of cannabis. The purpose of these
9 tests is to determine the effect of the use of cannabis on a
10 person's capacity to think and act with ordinary care and
11 therefore operate a motor vehicle safely. Therefore, the
12 results of these standardized field sobriety tests,
13 appropriately administered, shall be admissible in the trial of
14 any civil or criminal action or proceeding arising out of an
15 arrest for a cannabis-related offense as defined in Section
16 11-501 or a similar local ordinance or proceedings under
17 Section 2-118.1 or 2-118.2. Where a test is made the following
18 provisions shall apply:

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

1 at the direction of a law enforcement officer.

2 2. Upon the request of the person who shall submit to a
3 standardized field sobriety test or tests at the request of
4 a law enforcement officer, full information concerning the
5 test or tests shall be made available to the person or the
6 person's attorney.

7 3. At the trial of any civil or criminal action or
8 proceeding arising out of an arrest for an offense as
9 defined in Section 11-501 or a similar local ordinance or
10 proceedings under Section 2-118.1 or 2-118.2 in which the
11 results of these standardized field sobriety tests are
12 admitted, the cardholder may present and the trier of fact
13 may consider evidence that the card holder lacked the
14 physical capacity to perform the standardized field
15 sobriety tests.

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

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

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

7 3. If there was at that time an alcohol concentration
8 of 0.08 or more, it shall be presumed that the person was
9 under the influence of alcohol.

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

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

22 2. Notwithstanding any ability to refuse under this Code to
23 submit to these tests or any ability to revoke the implied
24 consent to these tests, if a law enforcement officer has
25 probable cause to believe that a motor vehicle driven by or in
26 actual physical control of a person under the influence of

1 alcohol, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof has caused the death or
3 personal injury to another, the law enforcement officer shall
4 request, and that person shall submit, upon the request of a
5 law enforcement officer, to a chemical test or tests of his or
6 her blood, breath or urine for the purpose of determining the
7 alcohol content thereof or the presence of any other drug or
8 combination of both.

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

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

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

25 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
26 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.

1 8-15-14.)

2 (625 ILCS 5/11-501.9 new)

3 Sec. 11-501.9. Suspension of drivers license; medical
4 cannabis card holder; failure or refusal of field sobriety
5 tests; implied consent.

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

1 basis for reasonable suspicion.

2 For purposes of this Section, a law enforcement officer of
3 this State who is investigating a person for an offense under
4 Section 11-501 of this Code may travel into an adjoining state
5 where the person has been transported for medical care to
6 complete an investigation and to request that the person submit
7 to field sobriety tests under this Section.

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

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

24 (d) The results of field sobriety tests administered under
25 this Section shall be admissible in a civil or criminal action
26 or proceeding arising from an arrest for an offense as defined

1 in Section 11-501 of this Code or a similar provision of a
2 local ordinance. These test results shall be admissible only in
3 actions or proceedings directly related to the incident upon
4 which the test request was made.

5 (e) If the person refuses field sobriety tests or submits
6 to field sobriety tests that disclose the person is impaired by
7 the use of cannabis, the law enforcement officer shall
8 immediately submit a sworn report to the circuit court of venue
9 and the Secretary of State certifying that testing was
10 requested under this Section and that the person refused to
11 submit to field sobriety tests or submitted to field sobriety
12 tests that disclosed the person was impaired by the use of
13 cannabis. The sworn report must include the law enforcement
14 officer's factual basis for reasonable suspicion that the
15 person was impaired by the use of cannabis.

16 (f) Upon receipt of the sworn report of a law enforcement
17 officer submitted under subsection (e) of this Section, the
18 Secretary of State shall enter the suspension to the driving
19 record as follows:

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

22 (2) for submitting to field sobriety tests that
23 disclosed the driver was impaired by the use of cannabis, a
24 6 month suspension shall be entered.

25 The Secretary of State shall confirm the suspension by
26 mailing a notice of the effective date of the suspension to the

1 person and the court of venue. However, should the sworn report
2 be defective for insufficient information or be completed in
3 error, the confirmation of the suspension shall not be mailed
4 to the person or entered to the record; instead, the sworn
5 report shall be forwarded to the court of venue with a copy
6 returned to the issuing agency identifying the defect.

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

26 (h) The suspension under subsection (f) of this Section

1 shall take effect on the 46th day following the date the notice
2 of the suspension was given to the person.

3 (i) When a driving privilege has been suspended under this
4 Section and the person is subsequently convicted of violating
5 Section 11-501 of this Code, or a similar provision of a local
6 ordinance, for the same incident, any period served on
7 suspension under this Section shall be credited toward the
8 minimum period of revocation of driving privileges imposed
9 under Section 6-205 of this Code.

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."