



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3533

by Rep. Barbara Wheeler - Ron Sandack - John D. Anthony

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205

625 ILCS 5/6-208

625 ILCS 5/11-501.01

from Ch. 95 1/2, par. 6-208

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall require the use of ignition interlock devices for a period not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense of driving under the influence of alcohol, other drugs, intoxicating compounds, or any combination. Provides that a person convicted of a second or subsequent violation of driving under the influence of alcohol, other drugs, intoxicating compounds, or any combination, or where the use of alcohol or other drugs is recited as an element of an offense, may not make application for a driver's license until he or she has first been issued a restricted driving permit by the Secretary, and the expiration of a continuous period of not less than 5 years following the issuance of the restricted driving permit without suspension, cancellation, or revocation of the permit, or violation of a regulation requiring use of an ignition interlock device.

LRB099 09065 RJF 29254 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-205, 6-208, and 11-501.01 as follows:

6 (625 ILCS 5/6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;  
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of  
10 State shall immediately revoke the license, permit, or driving  
11 privileges of any driver upon receiving a report of the  
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a  
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a  
16 similar provision of a local ordinance relating to the  
17 offense of operating or being in physical control of a  
18 vehicle while under the influence of alcohol, other drug or  
19 drugs, intoxicating compound or compounds, or any  
20 combination thereof;

21 3. Any felony under the laws of any State or the  
22 federal government in the commission of which a motor  
23 vehicle was used;

1           4. Violation of Section 11-401 of this Code relating to  
2 the offense of leaving the scene of a traffic accident  
3 involving death or personal injury;

4           5. Perjury or the making of a false affidavit or  
5 statement under oath to the Secretary of State under this  
6 Code or under any other law relating to the ownership or  
7 operation of motor vehicles;

8           6. Conviction upon 3 charges of violation of Section  
9 11-503 of this Code relating to the offense of reckless  
10 driving committed within a period of 12 months;

11           7. Conviction of any offense defined in Section 4-102  
12 of this Code;

13           8. Violation of Section 11-504 of this Code relating to  
14 the offense of drag racing;

15           9. Violation of Chapters 8 and 9 of this Code;

16           10. Violation of Section 12-5 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 arising from the use of a  
18 motor vehicle;

19           11. Violation of Section 11-204.1 of this Code relating  
20 to aggravated fleeing or attempting to elude a peace  
21 officer;

22           12. Violation of paragraph (1) of subsection (b) of  
23 Section 6-507, or a similar law of any other state,  
24 relating to the unlawful operation of a commercial motor  
25 vehicle;

26           13. Violation of paragraph (a) of Section 11-502 of

1           this Code or a similar provision of a local ordinance if  
2           the driver has been previously convicted of a violation of  
3           that Section or a similar provision of a local ordinance  
4           and the driver was less than 21 years of age at the time of  
5           the offense;

6           14. Violation of paragraph (a) of Section 11-506 of  
7           this Code or a similar provision of a local ordinance  
8           relating to the offense of street racing;

9           15. A second or subsequent conviction of driving while  
10          the person's driver's license, permit or privileges was  
11          revoked for reckless homicide or a similar out-of-state  
12          offense;

13          16. Any offense against any provision in this Code, or  
14          any local ordinance, regulating the movement of traffic  
15          when that offense was the proximate cause of the death of  
16          any person. Any person whose driving privileges have been  
17          revoked pursuant to this paragraph may seek to have the  
18          revocation terminated or to have the length of revocation  
19          reduced by requesting an administrative hearing with the  
20          Secretary of State prior to the projected driver's license  
21          application eligibility date;

22          17. Violation of subsection (a-2) of Section 11-1301.3  
23          of this Code or a similar provision of a local ordinance;

24          18. A second or subsequent conviction of illegal  
25          possession, while operating or in actual physical control,  
26          as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled  
2 Substances Act, any cannabis prohibited under the Cannabis  
3 Control Act, or any methamphetamine prohibited under the  
4 Methamphetamine Control and Community Protection Act. A  
5 defendant found guilty of this offense while operating a  
6 motor vehicle shall have an entry made in the court record  
7 by the presiding judge that this offense did occur while  
8 the defendant was operating a motor vehicle and order the  
9 clerk of the court to report the violation to the Secretary  
10 of State.

11 (b) The Secretary of State shall also immediately revoke  
12 the license or permit of any driver in the following  
13 situations:

14 1. Of any minor upon receiving the notice provided for  
15 in Section 5-901 of the Juvenile Court Act of 1987 that the  
16 minor has been adjudicated under that Act as having  
17 committed an offense relating to motor vehicles prescribed  
18 in Section 4-103 of this Code;

19 2. Of any person when any other law of this State  
20 requires either the revocation or suspension of a license  
21 or permit;

22 3. Of any person adjudicated under the Juvenile Court  
23 Act of 1987 based on an offense determined to have been  
24 committed in furtherance of the criminal activities of an  
25 organized gang as provided in Section 5-710 of that Act,  
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation  
2 shall remain in effect for the period determined by the  
3 court. Upon the direction of the court, the Secretary shall  
4 issue the person a judicial driving permit, also known as a  
5 JDP. The JDP shall be subject to the same terms as a JDP  
6 issued under Section 6-206.1, except that the court may  
7 direct that a JDP issued under this subdivision (b)(3) be  
8 effective immediately.

9 (c)(1) Whenever a person is convicted of any of the  
10 offenses enumerated in this Section, the court may recommend  
11 and the Secretary of State in his discretion, without regard to  
12 whether the recommendation is made by the court may, upon  
13 application, issue to the person a restricted driving permit  
14 granting the privilege of driving a motor vehicle between the  
15 petitioner's residence and petitioner's place of employment or  
16 within the scope of the petitioner's employment related duties,  
17 or to allow the petitioner to transport himself or herself or a  
18 family member of the petitioner's household to a medical  
19 facility for the receipt of necessary medical care or to allow  
20 the petitioner to transport himself or herself to and from  
21 alcohol or drug remedial or rehabilitative activity  
22 recommended by a licensed service provider, or to allow the  
23 petitioner to transport himself or herself or a family member  
24 of the petitioner's household to classes, as a student, at an  
25 accredited educational institution, or to allow the petitioner  
26 to transport children, elderly persons, or disabled persons who

1 do not hold driving privileges and are living in the  
2 petitioner's household to and from daycare; if the petitioner  
3 is able to demonstrate that no alternative means of  
4 transportation is reasonably available and that the petitioner  
5 will not endanger the public safety or welfare; provided that  
6 the Secretary's discretion shall be limited to cases where  
7 undue hardship, as defined by the rules of the Secretary of  
8 State, would result from a failure to issue the restricted  
9 driving permit. Those multiple offenders identified in  
10 subdivision (b)4 of Section 6-208 of this Code, however, shall  
11 not be eligible for the issuance of a restricted driving  
12 permit.

13 (2) If a person's license or permit is revoked or  
14 suspended due to 2 or more convictions of violating Section  
15 11-501 of this Code or a similar provision of a local  
16 ordinance or a similar out-of-state offense, or Section 9-3  
17 of the Criminal Code of 1961 or the Criminal Code of 2012,  
18 where the use of alcohol or other drugs is recited as an  
19 element of the offense, or a similar out-of-state offense,  
20 or a combination of these offenses, arising out of separate  
21 occurrences, that person, if issued a restricted driving  
22 permit, may not operate a vehicle unless it has been  
23 equipped with an ignition interlock device as defined in  
24 Section 1-129.1.

25 (3) If:

26 (A) a person's license or permit is revoked or

1 suspended 2 or more times within a 10 year period due  
2 to any combination of:

3 (i) a single conviction of violating Section  
4 11-501 of this Code or a similar provision of a  
5 local ordinance or a similar out-of-state offense,  
6 or Section 9-3 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, where the use of alcohol or  
8 other drugs is recited as an element of the  
9 offense, or a similar out-of-state offense; or

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

12 (iii) a suspension pursuant to Section  
13 6-203.1;

14 arising out of separate occurrences; or

15 (B) a person has been convicted of one violation of  
16 Section 6-303 of this Code committed while his or her  
17 driver's license, permit, or privilege was revoked  
18 because of a violation of Section 9-3 of the Criminal  
19 Code of 1961 or the Criminal Code of 2012, relating to  
20 the offense of reckless homicide where the use of  
21 alcohol or other drugs was recited as an element of the  
22 offense, or a similar provision of a law of another  
23 state;

24 that person, if issued a restricted driving permit, may not  
25 operate a vehicle unless it has been equipped with an  
26 ignition interlock device as defined in Section 1-129.1.



1           (4) The person issued a permit conditioned on the use  
2 of an ignition interlock device must pay to the Secretary  
3 of State DUI Administration Fund an amount not to exceed  
4 \$30 per month. The Secretary shall establish by rule the  
5 amount and the procedures, terms, and conditions relating  
6 to these fees.

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

13           (6) In each case the Secretary of State may issue a  
14 restricted driving permit for a period he deems  
15 appropriate, except that the permit shall expire within one  
16 year from the date of issuance. The Secretary may not,  
17 however, issue a restricted driving permit to any person  
18 whose current revocation is the result of a second or  
19 subsequent conviction for a violation of Section 11-501 of  
20 this Code or a similar provision of a local ordinance or  
21 any similar out-of-state offense, or Section 9-3 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012, where  
23 the use of alcohol or other drugs is recited as an element  
24 of the offense, or any similar out-of-state offense, or any  
25 combination of these offenses, until the expiration of at  
26 least one year from the date of the revocation. A

1 restricted driving permit issued under this Section shall  
2 be subject to cancellation, revocation, and suspension by  
3 the Secretary of State in like manner and for like cause as  
4 a driver's license issued under this Code may be cancelled,  
5 revoked, or suspended; except that a conviction upon one or  
6 more offenses against laws or ordinances regulating the  
7 movement of traffic shall be deemed sufficient cause for  
8 the revocation, suspension, or cancellation of a  
9 restricted driving permit. The Secretary of State may, as a  
10 condition to the issuance of a restricted driving permit,  
11 require the petitioner to participate in a designated  
12 driver remedial or rehabilitative program. The Secretary  
13 of State is authorized to cancel a restricted driving  
14 permit if the permit holder does not successfully complete  
15 the program. However, if an individual's driving  
16 privileges have been revoked in accordance with paragraph  
17 13 of subsection (a) of this Section, no restricted driving  
18 permit shall be issued until the individual has served 6  
19 months of the revocation period.

20 (c-5) (Blank).

21 (c-6) If a person is convicted of a second violation of  
22 operating a motor vehicle while the person's driver's license,  
23 permit or privilege was revoked, where the revocation was for a  
24 violation of Section 9-3 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012 relating to the offense of reckless  
26 homicide or a similar out-of-state offense, the person's

1 driving privileges shall be revoked pursuant to subdivision  
2 (a) (15) of this Section. The person may not make application  
3 for a license or permit until the expiration of five years from  
4 the effective date of the revocation or the expiration of five  
5 years from the date of release from a term of imprisonment,  
6 whichever is later.

7 (c-7) If a person is convicted of a third or subsequent  
8 violation of operating a motor vehicle while the person's  
9 driver's license, permit or privilege was revoked, where the  
10 revocation was for a violation of Section 9-3 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 relating to the  
12 offense of reckless homicide or a similar out-of-state offense,  
13 the person may never apply for a license or permit.

14 (d) (1) Whenever a person under the age of 21 is convicted  
15 under Section 11-501 of this Code or a similar provision of a  
16 local ordinance or a similar out-of-state offense, the  
17 Secretary of State shall revoke the driving privileges of that  
18 person. One year after the date of revocation, and upon  
19 application, the Secretary of State may, if satisfied that the  
20 person applying will not endanger the public safety or welfare,  
21 issue a restricted driving permit granting the privilege of  
22 driving a motor vehicle only between the hours of 5 a.m. and 9  
23 p.m. or as otherwise provided by this Section for a period of  
24 one year. After this one year period, and upon reapplication  
25 for a license as provided in Section 6-106, upon payment of the  
26 appropriate reinstatement fee provided under paragraph (b) of

1 Section 6-118, the Secretary of State, in his discretion, may  
2 reinstate the petitioner's driver's license and driving  
3 privileges, or extend the restricted driving permit as many  
4 times as the Secretary of State deems appropriate, by  
5 additional periods of not more than 12 months each.

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

18 (3) If a person's license or permit is revoked or  
19 suspended 2 or more times within a 10 year period due to  
20 any combination of:

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

1 a similar out-of-state offense; or

2 (B) a statutory summary suspension or revocation  
3 under Section 11-501.1; or

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

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

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

21 (6) A restricted driving permit issued under this  
22 Section shall be subject to cancellation, revocation, and  
23 suspension by the Secretary of State in like manner and for  
24 like cause as a driver's license issued under this Code may  
25 be cancelled, revoked, or suspended; except that a  
26 conviction upon one or more offenses against laws or

1           ordinances regulating the movement of traffic shall be  
2           deemed sufficient cause for the revocation, suspension, or  
3           cancellation of a restricted driving permit.

4           (d-5) The revocation of the license, permit, or driving  
5           privileges of a person convicted of a third or subsequent  
6           violation of Section 6-303 of this Code committed while his or  
7           her driver's license, permit, or privilege was revoked because  
8           of a violation of Section 9-3 of the Criminal Code of 1961 or  
9           the Criminal Code of 2012, relating to the offense of reckless  
10          homicide, or a similar provision of a law of another state, is  
11          permanent. The Secretary may not, at any time, issue a license  
12          or permit to that person.

13          (e) This Section is subject to the provisions of the Driver  
14          License Compact.

15          (f) Any revocation imposed upon any person under  
16          subsections 2 and 3 of paragraph (b) that is in effect on  
17          December 31, 1988 shall be converted to a suspension for a like  
18          period of time.

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

23          (h) The Secretary of State shall require the use of  
24          ignition interlock devices for a period not less than 5 years  
25          on all vehicles owned by a person who has been convicted of a  
26          second or subsequent offense under Section 11-501 of this Code

1 or a similar provision of a local ordinance. The person must  
2 pay to the Secretary of State DUI Administration Fund an amount  
3 not to exceed \$30 for each month that he or she uses the  
4 device. The Secretary shall establish by rule and regulation  
5 the procedures for certification and use of the interlock  
6 system, the amount of the fee, and the procedures, terms, and  
7 conditions relating to these fees.

8 (i) (Blank).

9 (j) In accordance with 49 C.F.R. 384, the Secretary of  
10 State may not issue a restricted driving permit for the  
11 operation of a commercial motor vehicle to a person holding a  
12 CDL whose driving privileges have been revoked, suspended,  
13 cancelled, or disqualified under any provisions of this Code.

14 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
15 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
16 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.  
17 1-1-13; 97-1150, eff. 1-25-13.)

18 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

19 Sec. 6-208. Period of Suspension - Application After  
20 Revocation.

21 (a) Except as otherwise provided by this Code or any other  
22 law of this State, the Secretary of State shall not suspend a  
23 driver's license, permit, or privilege to drive a motor vehicle  
24 on the highways for a period of more than one year.

25 (b) Any person whose license, permit, or privilege to drive

1 a motor vehicle on the highways has been revoked shall not be  
2 entitled to have such license, permit, or privilege renewed or  
3 restored. However, such person may, except as provided under  
4 subsections (d) and (d-5) of Section 6-205, make application  
5 for a license pursuant to Section 6-106 (i) if the revocation  
6 was for a cause that has been removed or (ii) as provided in  
7 the following subparagraphs:

8 1. Except as provided in subparagraphs 1.3, 1.5, 2, 3,  
9 4, and 5, the person may make application for a license (A)  
10 after the expiration of one year from the effective date of  
11 the revocation, (B) in the case of a violation of paragraph  
12 (b) of Section 11-401 of this Code or a similar provision  
13 of a local ordinance, after the expiration of 3 years from  
14 the effective date of the revocation, or (C) in the case of  
15 a violation of Section 9-3 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012 or a similar provision of a law  
17 of another state relating to the offense of reckless  
18 homicide or a violation of subparagraph (F) of paragraph 1  
19 of subsection (d) of Section 11-501 of this Code relating  
20 to aggravated driving under the influence of alcohol, other  
21 drug or drugs, intoxicating compound or compounds, or any  
22 combination thereof, if the violation was the proximate  
23 cause of a death, after the expiration of 2 years from the  
24 effective date of the revocation or after the expiration of  
25 24 months from the date of release from a period of  
26 imprisonment as provided in Section 6-103 of this Code,



1           whichever is later.

2           1.3. If the person is convicted of a second or  
3 subsequent violation of Section 11-501 of this Code or a  
4 similar provision of a local ordinance or a similar  
5 out-of-state offense, or Section 9-3 of the Criminal Code  
6 of 1961 or the Criminal Code of 2012, in which the use of  
7 alcohol or other drugs is recited as an element of the  
8 offense, or a similar out-of-state offense, or a  
9 combination of these offenses, arising out of separate  
10 occurrences, that person may not make application for a  
11 driver's license until:

12           (A) the person has first been issued a restricted  
13 driving permit by the Secretary of State; and

14           (B) the expiration of a continuous period of not  
15 less than 5 years following the issuance of the  
16 restricted driving permit during which the person's  
17 restricted driving permit is not suspended, cancelled,  
18 or revoked for a violation of any provision of law, or  
19 any rule or regulation of the Secretary of State  
20 relating to the required use of an ignition interlock  
21 device.

22           1.5. If the person is convicted of a violation of  
23 Section 6-303 of this Code committed while his or her  
24 driver's license, permit, or privilege was revoked because  
25 of a violation of Section 9-3 of the Criminal Code of 1961  
26 or the Criminal Code of 2012, relating to the offense of

1 reckless homicide, or a similar provision of a law of  
2 another state, the person may not make application for a  
3 license or permit until the expiration of 3 years from the  
4 date of the conviction.

5 2. If such person is convicted of committing a second  
6 violation within a 20-year period of:

7 (A) Section 11-501 of this Code or a similar  
8 provision of a local ordinance;

9 (B) Paragraph (b) of Section 11-401 of this Code or  
10 a similar provision of a local ordinance;

11 (C) Section 9-3 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012, relating to the offense of  
13 reckless homicide; or

14 (D) any combination of the above offenses  
15 committed at different instances;

16 then such person may not make application for a license  
17 until after the expiration of 5 years from the effective  
18 date of the most recent revocation. The 20-year period  
19 shall be computed by using the dates the offenses were  
20 committed and shall also include similar out-of-state  
21 offenses and similar offenses committed on a military  
22 installation.

23 2.5. If a person is convicted of a second violation of  
24 Section 6-303 of this Code committed while the person's  
25 driver's license, permit, or privilege was revoked because  
26 of a violation of Section 9-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, relating to the offense of  
2 reckless homicide, or a similar provision of a law of  
3 another state, the person may not make application for a  
4 license or permit until the expiration of 5 years from the  
5 date of release from a term of imprisonment.

6 3. However, except as provided in subparagraph 4, if  
7 such person is convicted of committing a third or  
8 subsequent violation or any combination of the above  
9 offenses, including similar out-of-state offenses and  
10 similar offenses committed on a military installation,  
11 contained in subparagraph 2, then such person may not make  
12 application for a license until after the expiration of 10  
13 years from the effective date of the most recent  
14 revocation.

15 4. The person may not make application for a license if  
16 the person is convicted of committing a fourth or  
17 subsequent violation of Section 11-501 of this Code or a  
18 similar provision of a local ordinance, Section 11-401 of  
19 this Code, Section 9-3 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, or a combination of these offenses,  
21 similar provisions of local ordinances, similar  
22 out-of-state offenses, or similar offenses committed on a  
23 military installation.

24 5. The person may not make application for a license or  
25 permit if the person is convicted of a third or subsequent  
26 violation of Section 6-303 of this Code committed while his

1 or her driver's license, permit, or privilege was revoked  
2 because of a violation of Section 9-3 of the Criminal Code  
3 of 1961 or the Criminal Code of 2012, relating to the  
4 offense of reckless homicide, or a similar provision of a  
5 law of another state.

6 Notwithstanding any other provision of this Code, all  
7 persons referred to in this paragraph (b) may not have their  
8 privileges restored until the Secretary receives payment of the  
9 required reinstatement fee pursuant to subsection (b) of  
10 Section 6-118.

11 In no event shall the Secretary issue such license unless  
12 and until such person has had a hearing pursuant to this Code  
13 and the appropriate administrative rules and the Secretary is  
14 satisfied, after a review or investigation of such person, that  
15 to grant the privilege of driving a motor vehicle on the  
16 highways will not endanger the public safety or welfare.

17 (c) (Blank).

18 (Source: P.A. 96-607, eff. 8-24-09; 97-1150, eff. 1-25-13.)

19 (625 ILCS 5/11-501.01)

20 Sec. 11-501.01. Additional administrative sanctions.

21 (a) After a finding of guilt and prior to any final  
22 sentencing or an order for supervision, for an offense based  
23 upon an arrest for a violation of Section 11-501 or a similar  
24 provision of a local ordinance, individuals shall be required  
25 to undergo a professional evaluation to determine if an

1 alcohol, drug, or intoxicating compound abuse problem exists  
2 and the extent of the problem, and undergo the imposition of  
3 treatment as appropriate. Programs conducting these  
4 evaluations shall be licensed by the Department of Human  
5 Services. The cost of any professional evaluation shall be paid  
6 for by the individual required to undergo the professional  
7 evaluation.

8 (b) Any person who is found guilty of or pleads guilty to  
9 violating Section 11-501, including any person receiving a  
10 disposition of court supervision for violating that Section,  
11 may be required by the Court to attend a victim impact panel  
12 offered by, or under contract with, a county State's Attorney's  
13 office, a probation and court services department, Mothers  
14 Against Drunk Driving, or the Alliance Against Intoxicated  
15 Motorists. All costs generated by the victim impact panel shall  
16 be paid from fees collected from the offender or as may be  
17 determined by the court.

18 (c) Every person found guilty of violating Section 11-501,  
19 whose operation of a motor vehicle while in violation of that  
20 Section proximately caused any incident resulting in an  
21 appropriate emergency response, shall be liable for the expense  
22 of an emergency response as provided in subsection (i) of this  
23 Section.

24 (d) The Secretary of State shall revoke the driving  
25 privileges of any person convicted under Section 11-501 or a  
26 similar provision of a local ordinance.

1           (e) The Secretary of State shall require the use of  
2 ignition interlock devices for a period not less than 5 years  
3 on all vehicles owned by a person who has been convicted of a  
4 second or subsequent offense of Section 11-501 or a similar  
5 provision of a local ordinance. The person must pay to the  
6 Secretary of State DUI Administration Fund an amount not to  
7 exceed \$30 for each month that he or she uses the device. The  
8 Secretary shall establish by rule and regulation the procedures  
9 for certification and use of the interlock system, the amount  
10 of the fee, and the procedures, terms, and conditions relating  
11 to these fees.

12           (f) In addition to any other penalties and liabilities, a  
13 person who is found guilty of or pleads guilty to violating  
14 Section 11-501, including any person placed on court  
15 supervision for violating Section 11-501, shall be assessed  
16 \$750, payable to the circuit clerk, who shall distribute the  
17 money as follows: \$350 to the law enforcement agency that made  
18 the arrest, and \$400 shall be forwarded to the State Treasurer  
19 for deposit into the General Revenue Fund. If the person has  
20 been previously convicted of violating Section 11-501 or a  
21 similar provision of a local ordinance, the fine shall be  
22 \$1,000, and the circuit clerk shall distribute \$200 to the law  
23 enforcement agency that made the arrest and \$800 to the State  
24 Treasurer for deposit into the General Revenue Fund. In the  
25 event that more than one agency is responsible for the arrest,  
26 the amount payable to law enforcement agencies shall be shared

1 equally. Any moneys received by a law enforcement agency under  
2 this subsection (f) shall be used for enforcement and  
3 prevention of driving while under the influence of alcohol,  
4 other drug or drugs, intoxicating compound or compounds or any  
5 combination thereof, as defined by Section 11-501 of this Code,  
6 including but not limited to the purchase of law enforcement  
7 equipment and commodities that will assist in the prevention of  
8 alcohol related criminal violence throughout the State; police  
9 officer training and education in areas related to alcohol  
10 related crime, including but not limited to DUI training; and  
11 police officer salaries, including but not limited to salaries  
12 for hire back funding for safety checkpoints, saturation  
13 patrols, and liquor store sting operations. Any moneys received  
14 by the Department of State Police under this subsection (f)  
15 shall be deposited into the State Police DUI Fund and shall be  
16 used to purchase law enforcement equipment that will assist in  
17 the prevention of alcohol related criminal violence throughout  
18 the State.

19 (g) The Secretary of State Police DUI Fund is created as a  
20 special fund in the State treasury. All moneys received by the  
21 Secretary of State Police under subsection (f) of this Section  
22 shall be deposited into the Secretary of State Police DUI Fund  
23 and, subject to appropriation, shall be used for enforcement  
24 and prevention of driving while under the influence of alcohol,  
25 other drug or drugs, intoxicating compound or compounds or any  
26 combination thereof, as defined by Section 11-501 of this Code,

1 including but not limited to the purchase of law enforcement  
2 equipment and commodities to assist in the prevention of  
3 alcohol related criminal violence throughout the State; police  
4 officer training and education in areas related to alcohol  
5 related crime, including but not limited to DUI training; and  
6 police officer salaries, including but not limited to salaries  
7 for hire back funding for safety checkpoints, saturation  
8 patrols, and liquor store sting operations.

9 (h) Whenever an individual is sentenced for an offense  
10 based upon an arrest for a violation of Section 11-501 or a  
11 similar provision of a local ordinance, and the professional  
12 evaluation recommends remedial or rehabilitative treatment or  
13 education, neither the treatment nor the education shall be the  
14 sole disposition and either or both may be imposed only in  
15 conjunction with another disposition. The court shall monitor  
16 compliance with any remedial education or treatment  
17 recommendations contained in the professional evaluation.  
18 Programs conducting alcohol or other drug evaluation or  
19 remedial education must be licensed by the Department of Human  
20 Services. If the individual is not a resident of Illinois,  
21 however, the court may accept an alcohol or other drug  
22 evaluation or remedial education program in the individual's  
23 state of residence. Programs providing treatment must be  
24 licensed under existing applicable alcoholism and drug  
25 treatment licensure standards.

26 (i) In addition to any other fine or penalty required by



1 law, an individual convicted of a violation of Section 11-501,  
2 Section 5-7 of the Snowmobile Registration and Safety Act,  
3 Section 5-16 of the Boat Registration and Safety Act, or a  
4 similar provision, whose operation of a motor vehicle,  
5 snowmobile, or watercraft while in violation of Section 11-501,  
6 Section 5-7 of the Snowmobile Registration and Safety Act,  
7 Section 5-16 of the Boat Registration and Safety Act, or a  
8 similar provision proximately caused an incident resulting in  
9 an appropriate emergency response, shall be required to make  
10 restitution to a public agency for the costs of that emergency  
11 response. The restitution may not exceed \$1,000 per public  
12 agency for each emergency response. As used in this subsection  
13 (i), "emergency response" means any incident requiring a  
14 response by a police officer, a firefighter carried on the  
15 rolls of a regularly constituted fire department, or an  
16 ambulance. With respect to funds designated for the Department  
17 of State Police, the moneys shall be remitted by the circuit  
18 court clerk to the State Police within one month after receipt  
19 for deposit into the State Police DUI Fund. With respect to  
20 funds designated for the Department of Natural Resources, the  
21 Department of Natural Resources shall deposit the moneys into  
22 the Conservation Police Operations Assistance Fund.

23 (j) A person that is subject to a chemical test or tests of  
24 blood under subsection (a) of Section 11-501.1 or subdivision  
25 (c)(2) of Section 11-501.2 of this Code, whether or not that  
26 person consents to testing, shall be liable for the expense up

1 to \$500 for blood withdrawal by a physician authorized to  
2 practice medicine, a licensed physician assistant, a licensed  
3 advanced practice nurse, a registered nurse, a trained  
4 phlebotomist, a licensed paramedic, or a qualified person other  
5 than a police officer approved by the Department of State  
6 Police to withdraw blood, who responds, whether at a law  
7 enforcement facility or a health care facility, to a police  
8 department request for the drawing of blood based upon refusal  
9 of the person to submit to a lawfully requested breath test or  
10 probable cause exists to believe the test would disclose the  
11 ingestion, consumption, or use of drugs or intoxicating  
12 compounds if:

13 (1) the person is found guilty of violating Section  
14 11-501 of this Code or a similar provision of a local  
15 ordinance; or

16 (2) the person pleads guilty to or stipulates to facts  
17 supporting a violation of Section 11-503 of this Code or a  
18 similar provision of a local ordinance when the plea or  
19 stipulation was the result of a plea agreement in which the  
20 person was originally charged with violating Section  
21 11-501 of this Code or a similar local ordinance.

22 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;  
23 98-292, eff. 1-1-14; 98-463, eff. 8-16-13; 98-973, eff.  
24 8-15-14.)