



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4445

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Identification Card Act. Provides that the fee for a duplicate temporary Illinois Identification Card shall be \$5. Amends The Illinois Vehicle Code. Provides that for drivers of a truck-tractor semitrailer combination or combinations, the waiver of provisions concerning Commercial Driver's Licenses and Commercial Learner's Permits shall apply when the driver is a farmer, employee of the farmer, or a member of the farmer's family, if certain conditions are met. Requires drivers of truck-tractor semitrailer combinations operating as covered farm vehicles to successfully complete any tests the Secretary of State deems necessary. Allows the Secretary to suspend or revoke the driving privileges of any person, without a preliminary hearing, upon a showing of the person's records or other sufficient evidence that the person has submitted a falsified or altered medical examiner's certificate to the Secretary or provided false information to obtain a medical examiner's certificate. Provides that if the total amount of dishonored payment due and owing to the Secretary for registration and title fees exceeds the sum of \$100 and has not been paid within 60 days from the date the dishonored payment was first delivered (rather than from the date the fee or tax became due), the Secretary shall assess a penalty of 25% of the amount remaining unpaid. Provides that for purposes of ensuring a person is medically fit to drive a commercial motor vehicle, the Secretary may release medical information to the Federal Motor Carrier Safety Administration about an applicant or a holder of a CDL or CLP. Provides examples of medical information. Effective immediately.

LRB099 16317 AXK 40648 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 12 as follows:

6 (15 ILCS 335/12) (from Ch. 124, par. 32)

7 Sec. 12. Fees concerning Standard Illinois Identification
8 Cards. The fees required under this Act for standard Illinois
9 Identification Cards must accompany any application provided
10 for in this Act, and the Secretary shall collect such fees as
11 follows:

12	a. Original card	\$20
13	b. Renewal card	20
14	c. Corrected card	10
15	d. Duplicate card	20
16	e. Certified copy with seal	5
17	f. Search	2
18	g. Applicant 65 years of age or over	No Fee
19	h. (Blank)	
20	i. Individual living in Veterans	
21	Home or Hospital	No Fee
22	j. Original card under 18 years of age	\$10
23	k. Renewal card under 18 years of age	\$10

1	l. Corrected card under 18 years of age	\$5
2	m. Duplicate card under 18 years of age	\$10
3	n. Homeless person	No Fee
4	o. Duplicate card issued to an active-duty	
5	member of the United States Armed Forces, the	
6	member's spouse, or dependent children	
7	living with the member	No Fee
8	<u>p. Duplicate temporary card</u>	<u>\$5</u>

9 All fees collected under this Act shall be paid into the
10 Road Fund of the State treasury, except that the following
11 amounts shall be paid into the General Revenue Fund: (i) 80% of
12 the fee for an original, renewal, or duplicate Illinois
13 Identification Card issued on or after January 1, 2005; and
14 (ii) 80% of the fee for a corrected Illinois Identification
15 Card issued on or after January 1, 2005.

16 An individual, who resides in a veterans home or veterans
17 hospital operated by the state or federal government, who makes
18 an application for an Illinois Identification Card to be issued
19 at no fee, must submit, along with the application, an
20 affirmation by the applicant on a form provided by the
21 Secretary of State, that such person resides in a veterans home
22 or veterans hospital operated by the state or federal
23 government.

24 The application of a homeless individual for an Illinois
25 Identification Card to be issued at no fee must be accompanied
26 by an affirmation by a qualified person, as defined in Section

1 4C of this Act, on a form provided by the Secretary of State,
2 that the applicant is currently homeless as defined in Section
3 1A of this Act.

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

8 The fee for any duplicate identification card shall be
9 waived for any person age 60 or older whose identification card
10 has been lost or stolen.

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

18 (Source: P.A. 96-183, eff. 7-1-10; 96-1231, eff. 7-23-10;
19 97-333, eff. 8-12-11; 97-1064, eff. 1-1-13.)

20 Section 10. The Illinois Vehicle Code is amended by
21 changing Sections 3-821, 6-206, 6-507 and 6-508.1 as follows:

22 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

23 Sec. 3-821. Miscellaneous Registration and Title Fees.

24 (a) The fee to be paid to the Secretary of State for the

1 following certificates, registrations or evidences of proper
2 registration, or for corrected or duplicate documents shall be
3 in accordance with the following schedule:

4	Certificate of Title, except for an all-terrain	
5	vehicle or off-highway motorcycle	\$95
6	Certificate of Title for an all-terrain vehicle	
7	or off-highway motorcycle	\$30
8	Certificate of Title for an all-terrain vehicle	
9	or off-highway motorcycle used for production	
10	agriculture, or accepted by a dealer in trade	13
11	Certificate of Title for a low-speed vehicle	30
12	Transfer of Registration or any evidence of	
13	proper registration	\$25
14	Duplicate Registration Card for plates or other	
15	evidence of proper registration	3
16	Duplicate Registration Sticker or Stickers, each	20
17	Duplicate Certificate of Title	95
18	Corrected Registration Card or Card for other	
19	evidence of proper registration	3
20	Corrected Certificate of Title	95
21	Salvage Certificate	4
22	Fleet Reciprocity Permit	15
23	Prorate Decal	1
24	Prorate Backing Plate	3
25	Special Corrected Certificate of Title	15

1 Expedited Title Service (to be charged in addition
2 to other applicable fees) 30

3 Dealer Lien Release Certificate of Title 20

4 A special corrected certificate of title shall be issued
5 (i) to remove a co-owner's name due to the death of the
6 co-owner, to transfer title to a spouse if the decedent-spouse
7 was the sole owner on the title, or due to a divorce or (ii) to
8 change a co-owner's name due to a marriage.

9 There shall be no fee paid for a Junking Certificate.

10 There shall be no fee paid for a certificate of title
11 issued to a county when the vehicle is forfeited to the county
12 under Article 36 of the Criminal Code of 2012.

13 (a-5) The Secretary of State may revoke a certificate of
14 title and registration card and issue a corrected certificate
15 of title and registration card, at no fee to the vehicle owner
16 or lienholder, if there is proof that the vehicle
17 identification number is erroneously shown on the original
18 certificate of title.

19 (a-10) The Secretary of State may issue, in connection with
20 the sale of a motor vehicle, a corrected title to a motor
21 vehicle dealer upon application and submittal of a lien release
22 letter from the lienholder listed in the files of the
23 Secretary. In the case of a title issued by another state, the
24 dealer must submit proof from the state that issued the last
25 title. The corrected title, which shall be known as a dealer
26 lien release certificate of title, shall be issued in the name

1 of the vehicle owner without the named lienholder. If the motor
2 vehicle is currently titled in a state other than Illinois, the
3 applicant must submit either (i) a letter from the current
4 lienholder releasing the lien and stating that the lienholder
5 has possession of the title; or (ii) a letter from the current
6 lienholder releasing the lien and a copy of the records of the
7 department of motor vehicles for the state in which the vehicle
8 is titled, showing that the vehicle is titled in the name of
9 the applicant and that no liens are recorded other than the
10 lien for which a release has been submitted. The fee for the
11 dealer lien release certificate of title is \$20.

12 (b) The Secretary may prescribe the maximum service charge
13 to be imposed upon an applicant for renewal of a registration
14 by any person authorized by law to receive and remit or
15 transmit to the Secretary such renewal application and fees
16 therewith.

17 (c) If payment is delivered to the Office of the Secretary
18 of State as payment of any fee or tax under this Code, and such
19 payment is not honored for any reason, the registrant or other
20 person tendering the payment remains liable for the payment of
21 such fee or tax. The Secretary of State may assess a service
22 charge of \$25 in addition to the fee or tax due and owing for
23 all dishonored payments.

24 If the total amount then due and owing exceeds the sum of
25 \$100 and has not been paid in full within 60 days from the date
26 the dishonored payment was first delivered ~~such fee or tax~~

1 ~~became due~~ to the Secretary of State, the Secretary of State
2 shall assess a penalty of 25% of such amount remaining unpaid.

3 All amounts payable under this Section shall be computed to
4 the nearest dollar. Out of each fee collected for dishonored
5 payments, \$5 shall be deposited in the Secretary of State
6 Special Services Fund.

7 (d) The minimum fee and tax to be paid by any applicant for
8 apportionment of a fleet of vehicles under this Code shall be
9 \$15 if the application was filed on or before the date
10 specified by the Secretary together with fees and taxes due. If
11 an application and the fees or taxes due are filed after the
12 date specified by the Secretary, the Secretary may prescribe
13 the payment of interest at the rate of 1/2 of 1% per month or
14 fraction thereof after such due date and a minimum of \$8.

15 (e) Trucks, truck tractors, truck tractors with loads, and
16 motor buses, any one of which having a combined total weight in
17 excess of 12,000 lbs. shall file an application for a Fleet
18 Reciprocity Permit issued by the Secretary of State. This
19 permit shall be in the possession of any driver operating a
20 vehicle on Illinois highways. Any foreign licensed vehicle of
21 the second division operating at any time in Illinois without a
22 Fleet Reciprocity Permit or other proper Illinois
23 registration, shall subject the operator to the penalties
24 provided in Section 3-834 of this Code. For the purposes of
25 this Code, "Fleet Reciprocity Permit" means any second division
26 motor vehicle with a foreign license and used only in

1 interstate transportation of goods. The fee for such permit
2 shall be \$15 per fleet which shall include all vehicles of the
3 fleet being registered.

4 (f) For purposes of this Section, "all-terrain vehicle or
5 off-highway motorcycle used for production agriculture" means
6 any all-terrain vehicle or off-highway motorcycle used in the
7 raising of or the propagation of livestock, crops for sale for
8 human consumption, crops for livestock consumption, and
9 production seed stock grown for the propagation of feed grains
10 and the husbandry of animals or for the purpose of providing a
11 food product, including the husbandry of blood stock as a main
12 source of providing a food product. "All-terrain vehicle or
13 off-highway motorcycle used in production agriculture" also
14 means any all-terrain vehicle or off-highway motorcycle used in
15 animal husbandry, floriculture, aquaculture, horticulture, and
16 viticulture.

17 (g) All of the proceeds of the additional fees imposed by
18 Public Act 96-34 shall be deposited into the Capital Projects
19 Fund.

20 (Source: P.A. 99-260, eff. 1-1-16.)

21 (625 ILCS 5/6-206)

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

24 (a) The Secretary of State is authorized to suspend or
25 revoke the driving privileges of any person without preliminary

1 hearing upon a showing of the person's records or other
2 sufficient evidence that the person:

3 1. Has committed an offense for which mandatory
4 revocation of a driver's license or permit is required upon
5 conviction;

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

11 3. Has been repeatedly involved as a driver in motor
12 vehicle collisions or has been repeatedly convicted of
13 offenses against laws and ordinances regulating the
14 movement of traffic, to a degree that indicates lack of
15 ability to exercise ordinary and reasonable care in the
16 safe operation of a motor vehicle or disrespect for the
17 traffic laws and the safety of other persons upon the
18 highway;

19 4. Has by the unlawful operation of a motor vehicle
20 caused or contributed to an accident resulting in injury
21 requiring immediate professional treatment in a medical
22 facility or doctor's office to any person, except that any
23 suspension or revocation imposed by the Secretary of State
24 under the provisions of this subsection shall start no
25 later than 6 months after being convicted of violating a
26 law or ordinance regulating the movement of traffic, which

1 violation is related to the accident, or shall start not
2 more than one year after the date of the accident,
3 whichever date occurs later;

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

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

10 7. Has refused or failed to submit to an examination
11 provided for by Section 6-207 or has failed to pass the
12 examination;

13 8. Is ineligible for a driver's license or permit under
14 the provisions of Section 6-103;

15 9. Has made a false statement or knowingly concealed a
16 material fact or has used false information or
17 identification in any application for a license,
18 identification card, or permit;

19 10. Has possessed, displayed, or attempted to
20 fraudulently use any license, identification card, or
21 permit not issued to the person;

22 11. Has operated a motor vehicle upon a highway of this
23 State when the person's driving privilege or privilege to
24 obtain a driver's license or permit was revoked or
25 suspended unless the operation was authorized by a
26 monitoring device driving permit, judicial driving permit

1 issued prior to January 1, 2009, probationary license to
2 drive, or a restricted driving permit issued under this
3 Code;

4 12. Has submitted to any portion of the application
5 process for another person or has obtained the services of
6 another person to submit to any portion of the application
7 process for the purpose of obtaining a license,
8 identification card, or permit for some other person;

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

12 14. Has committed a violation of Section 6-301,
13 6-301.1, or 6-301.2 of this Code Act, or Section 14, 14A,
14 or 14B of the Illinois Identification Card Act;

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

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

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the person
23 has not sought a hearing as provided for in Section
24 11-501.1;

25 18. Has, since issuance of a driver's license or
26 permit, been adjudged to be afflicted with or suffering

1 from any mental disability or disease;

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

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

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

11 22. Has used a motor vehicle in violating paragraph
12 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
13 the Criminal Code of 1961 or the Criminal Code of 2012
14 relating to unlawful use of weapons, in which case the
15 suspension shall be for one year;

16 23. Has, as a driver, been convicted of committing a
17 violation of paragraph (a) of Section 11-502 of this Code
18 for a second or subsequent time within one year of a
19 similar violation;

20 24. Has been convicted by a court-martial or punished
21 by non-judicial punishment by military authorities of the
22 United States at a military installation in Illinois or in
23 another state of or for a traffic related offense that is
24 the same as or similar to an offense specified under
25 Section 6-205 or 6-206 of this Code;

26 25. Has permitted any form of identification to be used

1 by another in the application process in order to obtain or
2 attempt to obtain a license, identification card, or
3 permit;

4 26. Has altered or attempted to alter a license or has
5 possessed an altered license, identification card, or
6 permit;

7 27. Has violated Section 6-16 of the Liquor Control Act
8 of 1934;

9 28. Has been convicted for a first time of the illegal
10 possession, while operating or in actual physical control,
11 as a driver, of a motor vehicle, of any controlled
12 substance prohibited under the Illinois Controlled
13 Substances Act, any cannabis prohibited under the Cannabis
14 Control Act, or any methamphetamine prohibited under the
15 Methamphetamine Control and Community Protection Act, in
16 which case the person's driving privileges shall be
17 suspended for one year. Any defendant found guilty of this
18 offense while operating a motor vehicle, shall have an
19 entry made in the court record by the presiding judge that
20 this offense did occur while the defendant was operating a
21 motor vehicle and order the clerk of the court to report
22 the violation to the Secretary of State;

23 29. Has been convicted of the following offenses that
24 were committed while the person was operating or in actual
25 physical control, as a driver, of a motor vehicle: criminal
26 sexual assault, predatory criminal sexual assault of a

1 child, aggravated criminal sexual assault, criminal sexual
2 abuse, aggravated criminal sexual abuse, juvenile pimping,
3 soliciting for a juvenile prostitute, promoting juvenile
4 prostitution as described in subdivision (a)(1), (a)(2),
5 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
6 or the Criminal Code of 2012, and the manufacture, sale or
7 delivery of controlled substances or instruments used for
8 illegal drug use or abuse in which case the driver's
9 driving privileges shall be suspended for one year;

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

14 31. Has refused to submit to a test as required by
15 Section 11-501.6 of this Code or Section 5-16c of the Boat
16 Registration and Safety Act or has submitted to a test
17 resulting in an alcohol concentration of 0.08 or more or
18 any amount of a drug, substance, or compound resulting from
19 the unlawful use or consumption of cannabis as listed in
20 the Cannabis Control Act, a controlled substance as listed
21 in the Illinois Controlled Substances Act, an intoxicating
22 compound as listed in the Use of Intoxicating Compounds
23 Act, or methamphetamine as listed in the Methamphetamine
24 Control and Community Protection Act, in which case the
25 penalty shall be as prescribed in Section 6-208.1;

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 relating
2 to the aggravated discharge of a firearm if the offender
3 was located in a motor vehicle at the time the firearm was
4 discharged, in which case the suspension shall be for 3
5 years;

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

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

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

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

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

23 38. Has been convicted of a violation of Section 6-20
24 of the Liquor Control Act of 1934 or a similar provision of
25 a local ordinance;

26 39. Has committed a second or subsequent violation of

1 Section 11-1201 of this Code;

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

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

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

12 43. Has received a disposition of court supervision for
13 a violation of subsection (a), (d), or (e) of Section 6-20
14 of the Liquor Control Act of 1934 or a similar provision of
15 a local ordinance, in which case the suspension shall be
16 for a period of 3 months;

17 44. Is under the age of 21 years at the time of arrest
18 and has been convicted of an offense against traffic
19 regulations governing the movement of vehicles after
20 having previously had his or her driving privileges
21 suspended or revoked pursuant to subparagraph 36 of this
22 Section;

23 45. Has, in connection with or during the course of a
24 formal hearing conducted under Section 2-118 of this Code:
25 (i) committed perjury; (ii) submitted fraudulent or
26 falsified documents; (iii) submitted documents that have

1 been materially altered; or (iv) submitted, as his or her
2 own, documents that were in fact prepared or composed for
3 another person;

4 46. Has committed a violation of subsection (j) of
5 Section 3-413 of this Code; ~~or~~

6 47. Has committed a violation of Section 11-502.1 of
7 this Code; or -

8 48. Has submitted a falsified or altered medical
9 examiner's certificate to the Secretary of State or
10 provided false information to obtain a medical examiner's
11 certificate.

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

19 (b) If any conviction forming the basis of a suspension or
20 revocation authorized under this Section is appealed, the
21 Secretary of State may rescind or withhold the entry of the
22 order of suspension or revocation, as the case may be, provided
23 that a certified copy of a stay order of a court is filed with
24 the Secretary of State. If the conviction is affirmed on
25 appeal, the date of the conviction shall relate back to the
26 time the original judgment of conviction was entered and the 6

1 month limitation prescribed shall not apply.

2 (c) 1. Upon suspending or revoking the driver's license or
3 permit of any person as authorized in this Section, the
4 Secretary of State shall immediately notify the person in
5 writing of the revocation or suspension. The notice to be
6 deposited in the United States mail, postage prepaid, to the
7 last known address of the person.

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

1 regular occupation only. Unless the permit is issued by the
2 Secretary of State prior to the date of suspension, the
3 privilege to drive any motor vehicle shall be suspended as set
4 forth in the notice that was mailed under this Section. If an
5 affidavit is received subsequent to the effective date of this
6 suspension, a permit may be issued for the remainder of the
7 suspension period.

8 The provisions of this subparagraph shall not apply to any
9 driver required to possess a CDL for the purpose of operating a
10 commercial motor vehicle.

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

15 3. At the conclusion of a hearing under Section 2-118 of
16 this Code, the Secretary of State shall either rescind or
17 continue an order of revocation or shall substitute an order of
18 suspension; or, good cause appearing therefor, rescind,
19 continue, change, or extend the order of suspension. If the
20 Secretary of State does not rescind the order, the Secretary
21 may upon application, to relieve undue hardship (as defined by
22 the rules of the Secretary of State), issue a restricted
23 driving permit granting the privilege of driving a motor
24 vehicle between the petitioner's residence and petitioner's
25 place of employment or within the scope of the petitioner's
26 employment related duties, or to allow the petitioner to

1 transport himself or herself, or a family member of the
2 petitioner's household to a medical facility, to receive
3 necessary medical care, to allow the petitioner to transport
4 himself or herself to and from alcohol or drug remedial or
5 rehabilitative activity recommended by a licensed service
6 provider, or to allow the petitioner to transport himself or
7 herself or a family member of the petitioner's household to
8 classes, as a student, at an accredited educational
9 institution, or to allow the petitioner to transport children,
10 elderly persons, or persons with disabilities who do not hold
11 driving privileges and are living in the petitioner's household
12 to and from daycare. The petitioner must demonstrate that no
13 alternative means of transportation is reasonably available
14 and that the petitioner will not endanger the public safety or
15 welfare.

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

1 Section 1-129.1.

2 (B) If a person's license or permit is revoked or
3 suspended 2 or more times due to any combination of:

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

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

13 (iii) a suspension under Section 6-203.1;

14 arising out of separate occurrences; that person, if issued
15 a restricted driving permit, may not operate a vehicle
16 unless it has been equipped with an ignition interlock
17 device as defined in Section 1-129.1.

18 (B-5) If a person's license or permit is revoked or
19 suspended due to a conviction for a violation of
20 subparagraph (C) or (F) of paragraph (1) of subsection (d)
21 of Section 11-501 of this Code, or a similar provision of a
22 local ordinance or similar out-of-state offense, that
23 person, if issued a restricted driving permit, may not
24 operate a vehicle unless it has been equipped with an
25 ignition interlock device as defined in Section 1-129.1.

26 (C) The person issued a permit conditioned upon the use

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

6 (D) If the restricted driving permit is issued for
7 employment purposes, then the prohibition against
8 operating a motor vehicle that is not equipped with an
9 ignition interlock device does not apply to the operation
10 of an occupational vehicle owned or leased by that person's
11 employer when used solely for employment purposes. For any
12 person who, within a 5-year period, is convicted of a
13 second or subsequent offense under Section 11-501 of this
14 Code, or a similar provision of a local ordinance or
15 similar out-of-state offense, this employment exemption
16 does not apply until either a one-year ~~one-year~~ period has
17 elapsed during which that person had his or her driving
18 privileges revoked or a one-year ~~one-year~~ period has
19 elapsed during which that person had a restricted driving
20 permit which required the use of an ignition interlock
21 device on every motor vehicle owned or operated by that
22 person.

23 (E) In each case the Secretary may issue a restricted
24 driving permit for a period deemed appropriate, except that
25 all permits shall expire within one year from the date of
26 issuance. A restricted driving permit issued under this

1 Section shall be subject to cancellation, revocation, and
2 suspension by the Secretary of State in like manner and for
3 like cause as a driver's license issued under this Code may
4 be cancelled, revoked, or suspended; except that a
5 conviction upon one or more offenses against laws or
6 ordinances regulating the movement of traffic shall be
7 deemed sufficient cause for the revocation, suspension, or
8 cancellation of a restricted driving permit. The Secretary
9 of State may, as a condition to the issuance of a
10 restricted driving permit, require the applicant to
11 participate in a designated driver remedial or
12 rehabilitative program. The Secretary of State is
13 authorized to cancel a restricted driving permit if the
14 permit holder does not successfully complete the program.

15 (F) A person subject to the provisions of paragraph 4
16 of subsection (b) of Section 6-208 of this Code may make
17 application for a restricted driving permit at a hearing
18 conducted under Section 2-118 of this Code after the
19 expiration of 5 years from the effective date of the most
20 recent revocation or after 5 years from the date of release
21 from a period of imprisonment resulting from a conviction
22 of the most recent offense, whichever is later, provided
23 the person, in addition to all other requirements of the
24 Secretary, shows by clear and convincing evidence:

25 (i) a minimum of 3 years of uninterrupted
26 abstinence from alcohol and the unlawful use or

1 consumption of cannabis under the Cannabis Control
2 Act, a controlled substance under the Illinois
3 Controlled Substances Act, an intoxicating compound
4 under the Use of Intoxicating Compounds Act, or
5 methamphetamine under the Methamphetamine Control and
6 Community Protection Act; and

7 (ii) the successful completion of any
8 rehabilitative treatment and involvement in any
9 ongoing rehabilitative activity that may be
10 recommended by a properly licensed service provider
11 according to an assessment of the person's alcohol or
12 drug use under Section 11-501.01 of this Code.

13 In determining whether an applicant is eligible for a
14 restricted driving permit under this subparagraph (F), the
15 Secretary may consider any relevant evidence, including,
16 but not limited to, testimony, affidavits, records, and the
17 results of regular alcohol or drug tests. Persons subject
18 to the provisions of paragraph 4 of subsection (b) of
19 Section 6-208 of this Code and who have been convicted of
20 more than one violation of paragraph (3), paragraph (4), or
21 paragraph (5) of subsection (a) of Section 11-501 of this
22 Code shall not be eligible to apply for a restricted
23 driving permit under this subparagraph (F).

24 A restricted driving permit issued under this
25 subparagraph (F) shall provide that the holder may only
26 operate motor vehicles equipped with an ignition interlock

1 device as required under paragraph (2) of subsection (c) of
2 Section 6-205 of this Code and subparagraph (A) of
3 paragraph 3 of subsection (c) of this Section. The
4 Secretary may revoke a restricted driving permit or amend
5 the conditions of a restricted driving permit issued under
6 this subparagraph (F) if the holder operates a vehicle that
7 is not equipped with an ignition interlock device, or for
8 any other reason authorized under this Code.

9 A restricted driving permit issued under this
10 subparagraph (F) shall be revoked, and the holder barred
11 from applying for or being issued a restricted driving
12 permit in the future, if the holder is convicted of a
13 violation of Section 11-501 of this Code, a similar
14 provision of a local ordinance, or a similar offense in
15 another state.

16 (c-3) In the case of a suspension under paragraph 43 of
17 subsection (a), reports received by the Secretary of State
18 under this Section shall, except during the actual time the
19 suspension is in effect, be privileged information and for use
20 only by the courts, police officers, prosecuting authorities,
21 the driver licensing administrator of any other state, the
22 Secretary of State, or the parent or legal guardian of a driver
23 under the age of 18. However, beginning January 1, 2008, if the
24 person is a CDL holder, the suspension shall also be made
25 available to the driver licensing administrator of any other
26 state, the U.S. Department of Transportation, and the affected

1 driver or motor carrier or prospective motor carrier upon
2 request.

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

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

15 (d) This Section is subject to the provisions of the
16 Drivers License Compact.

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

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

26 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,

1 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
2 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
3 revised 11-3-15.)

4 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

5 Sec. 6-507. Commercial Driver's License (CDL) or
6 Commercial Learner's Permit (CLP) Required.

7 (a) Except as expressly permitted by this UCDLA, or when
8 driving pursuant to the issuance of a commercial learner's
9 permit and accompanied by the holder of a CDL valid for the
10 vehicle being driven; no person shall drive a commercial motor
11 vehicle on the highways without:

12 (1) a CDL in the driver's possession;

13 (2) having obtained a CLP or CDL;

14 (3) the proper class of CLP or CDL or endorsements or
15 both for the specific vehicle group being operated or for
16 the passengers or type of cargo being transported; or

17 (4) a copy of a medical variance document, if one
18 exists, such as an exemption letter or a skill performance
19 evaluation certificate.

20 (a-5) A CLP or CDL holder whose CLP or CDL is held by this
21 State or any other state in the course of enforcement of a
22 motor vehicle traffic code and who has not been convicted of a
23 disqualifying offense under 49 C.F.R. 383.51 based on this
24 enforcement, may drive a CMV while holding a dated receipt for
25 the CLP or CDL.

1 (b) Except as otherwise provided by this Code, no person
2 may drive a commercial motor vehicle on the highways while such
3 person's driving privilege, license, or permit is:

4 (1) Suspended, revoked, cancelled, or subject to
5 disqualification. Any person convicted of violating this
6 provision or a similar provision of this or any other state
7 shall have their driving privileges revoked under
8 paragraph 12 of subsection (a) of Section 6-205 of this
9 Code.

10 (2) Subject to or in violation of an "out-of-service"
11 order. Any person who has been issued a CLP or CDL and is
12 convicted of violating this provision or a similar
13 provision of any other state shall be disqualified from
14 operating a commercial motor vehicle under subsection (i)
15 of Section 6-514 of this Code.

16 (3) Subject to or in violation of a driver or vehicle
17 "out of service" order while operating a vehicle designed
18 to transport 16 or more passengers, including the driver,
19 or transporting hazardous materials required to be
20 placarded. Any person who has been issued a CLP or CDL and
21 is convicted of violating this provision or a similar
22 provision of this or any other state shall be disqualified
23 from operating a commercial motor vehicle under subsection
24 (i) of Section 6-514 of this Code.

25 (b-3) Except as otherwise provided by this Code, no person
26 may drive a commercial motor vehicle on the highways during a

1 period which the commercial motor vehicle or the motor carrier
2 operation is subject to an "out-of-service" order. Any person
3 who is convicted of violating this provision or a similar
4 provision of any other state shall be disqualified from
5 operating a commercial motor vehicle under subsection (i) of
6 Section 6-514 of this Code.

7 (b-5) Except as otherwise provided by this Code, no person
8 may operate a vehicle designed to transport 16 or more
9 passengers including the driver or hazardous materials of a
10 type or quantity that requires the vehicle to be placarded
11 during a period in which the commercial motor vehicle or the
12 motor carrier operation is subject to an "out-of-service"
13 order. Any person who is convicted of violating this provision
14 or a similar provision of any other state shall be disqualified
15 from operating a commercial motor vehicle under subsection (i)
16 of Section 6-514 of this Code.

17 (c) Pursuant to the options provided to the States by FHWA
18 Docket No. MC-88-8, the driver of any motor vehicle controlled
19 or operated by or for a farmer is waived from the requirements
20 of this Section, when such motor vehicle is being used to
21 transport: agricultural products; implements of husbandry; or
22 farm supplies; to and from a farm, as long as such movement is
23 not over 150 air miles from the originating farm. This waiver
24 does not apply to the driver of any motor vehicle being used in
25 a common or contract carrier type operation. However, for those
26 drivers of any truck-tractor semitrailer combination or

1 combinations registered under subsection (c) of Section 3-815
2 of this Code, this waiver shall apply only when the driver is a
3 farmer, employee of the farmer, or a member of the farmer's
4 family and the driver is 21 years of age or more, if operating
5 a vehicle in interstate driving, or at least 18 years of age,
6 if operating a vehicle in intrastate driving, and has
7 successfully completed any tests the Secretary of State deems
8 necessary.

9 In addition, the farmer, employee of the farmer, or a
10 member of the farmer's family who operates a truck-tractor
11 semitrailer combination or combinations pursuant to this
12 waiver shall be granted all of the rights and shall be subject
13 to all of the duties and restrictions with respect to Sections
14 6-514 and 6-515 of this Code applicable to the driver who
15 possesses a commercial driver's license issued under this Code,
16 except that the driver shall not be subject to any additional
17 duties or restrictions contained in Part 382 of the Federal
18 Motor Carrier Safety Regulations that are not otherwise imposed
19 under Section 6-514 or 6-515 of this Code.

20 For purposes of this subsection (c), a member of the
21 farmer's family is a natural or in-law spouse, child, parent,
22 or sibling.

23 As required under the Code of Federal Regulations 49 CFR
24 390.39, an operator of a covered farm vehicle, as defined under
25 Section 18b-101 of this Code, is exempt from the requirements
26 of this Section. However, for drivers of any truck-tractor

1 semitrailer combination or combinations operating as a covered
2 farm vehicle, the driver must successfully complete any tests
3 the Secretary of State deems necessary. When operating any
4 truck-tractor semitrailer combination as a covered farm
5 vehicle, the exemption applies only to persons age 21 or older,
6 if operating the vehicle in interstate driving, and to persons
7 at least 18 years of age, if operating the vehicle in
8 intrastate driving. The Secretary may adopt rules necessary to
9 implement this Section.

10 (c-5) An employee of a township or road district with a
11 population of less than 3,000 operating a vehicle within the
12 boundaries of the township or road district for the purpose of
13 removing snow or ice from a roadway by plowing, sanding, or
14 salting is waived from the requirements of this Section when
15 the employee is needed to operate the vehicle because the
16 employee of the township or road district who ordinarily
17 operates the vehicle and who has a commercial driver's license
18 is unable to operate the vehicle or is in need of additional
19 assistance due to a snow emergency.

20 (c-10) A driver of a commercial motor vehicle used
21 primarily in the transportation of propane winter heating fuel
22 or a driver of a motor vehicle used to respond to a pipeline
23 emergency is waived from the requirements of this Section if
24 such requirements would prevent the driver from responding to
25 an emergency condition requiring immediate response as defined
26 in 49 C.F.R. Part 390.5.

1 (d) Any person convicted of violating this Section, shall
2 be guilty of a Class A misdemeanor.

3 (e) Any person convicted of violating paragraph (1) of
4 subsection (b) of this Section, shall have all driving
5 privileges revoked by the Secretary of State.

6 (f) This Section shall not apply to:

7 (1) A person who currently holds a valid Illinois
8 driver's license, for the type of vehicle being operated,
9 until the expiration of such license or April 1, 1992,
10 whichever is earlier; or

11 (2) A non-Illinois domiciliary who is properly
12 licensed in another State, until April 1, 1992. A
13 non-Illinois domiciliary, if such domiciliary is properly
14 licensed in another State or foreign jurisdiction, until
15 April 1, 1992.

16 (Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section
17 10 of P.A. 99-414 for the effective date of changes made by
18 P.A. 98-176); 99-57, eff. 7-16-15.)

19 (625 ILCS 5/6-508.1)

20 Sec. 6-508.1. Medical Examiner's Certificate.

21 (a) It shall be unlawful for any person to drive a CMV in
22 non-excepted interstate commerce unless the person holds a CLP
23 or CDL and is medically certified as physically qualified to do
24 so.

25 (b) No person who has certified to non-excepted interstate

1 driving as provided in Sections 6-507.5 and 6-508 of this Code
2 shall be issued a commercial learner's permit or CDL unless
3 that person presents to the Secretary a medical examiner's
4 certificate or has a current medical examiner's certificate on
5 the CDLIS driver record.

6 (c) Persons who hold a commercial driver instruction permit
7 or CDL on January 30, 2012 who have certified as non-excepted
8 interstate as provided in Section 6-508 of this Code must
9 provide to the Secretary a medical examiner's certificate no
10 later than January 30, 2014.

11 (d) On and after January 30, 2014, all persons who hold a
12 commercial driver instruction permit or CDL who have certified
13 as non-excepted interstate shall maintain a current medical
14 examiner's certificate on file with the Secretary. On and after
15 July 1, 2014, all persons issued a CLP who have certified as
16 non-excepted interstate shall maintain a current medical
17 examiner's certificate on file with the Secretary.

18 (e) Within 10 calendar days of receipt of a medical
19 examiner's certificate of a driver who has certified as
20 non-excepted interstate, the Secretary shall post the
21 following to the CDLIS driver record:

22 (1) the medical examiner's name;

23 (2) the medical examiner's telephone number;

24 (3) the date of issuance of the medical examiner's
25 certificate;

26 (4) the medical examiner's license number and the state

1 that issued it;

2 (5) the medical certification status;

3 (6) the expiration date of the medical examiner's
4 certificate;

5 (7) the existence of any medical variance on the
6 medical examiner's certificate or grandfather provisions;

7 (8) any restrictions noted on the medical examiner's
8 certificate; and

9 (9) the date the medical examiner's certificate
10 information was posted to the CDLIS driver record.

11 (f) Within 10 calendar days of the expiration or rescission
12 of the driver's medical examiner's certificate or medical
13 variance or both, the Secretary shall update the medical
14 certification status to "not certified".

15 (g) Within 10 calendar days of receipt of information from
16 the Federal Motor Carrier Safety Administration regarding
17 issuance or renewal of a medical variance, the Secretary shall
18 update the CDLIS driver record to include the medical variance
19 information provided by the Federal Motor Carrier Safety
20 Administration.

21 (h) The Secretary shall notify the driver of his or her
22 non-certified status and that his or her CDL will be canceled
23 unless the driver submits a current medical examiner's
24 certificate or medical variance or changes his or her
25 self-certification to driving only in excepted or intrastate
26 commerce.

1 (i) Within 60 calendar days of a driver's medical
2 certification status becoming non-certified, the Secretary
3 shall cancel the CDL.

4 (j) As required under the Code of Federal Regulations 49
5 CFR 390.39, an operator of a covered farm vehicle, as defined
6 under Section 18b-101 of this Code, is exempt from the
7 requirements of this Section.

8 (k) For purposes of ensuring a person is medically fit to
9 drive a commercial motor vehicle, the Secretary may release
10 medical information provided by an applicant or a holder of a
11 CDL or CLP to the Federal Motor Carrier Safety Administration.
12 Medical information includes, but is not limited to, a medical
13 examiner's certificate, a medical report that the Secretary
14 requires to be submitted, statements regarding medical
15 conditions made by an applicant or a holder of a CDL or CLP, or
16 statements made by his or her physician.

17 (Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section
18 10 of P.A. 99-414 for the effective date of changes made by
19 P.A. 98-176); 99-57, eff. 7-16-15.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 15 ILCS 335/12 from Ch. 124, par. 32
- 4 625 ILCS 5/3-821 from Ch. 95 1/2, par. 3-821
- 5 625 ILCS 5/6-206
- 6 625 ILCS 5/6-507 from Ch. 95 1/2, par. 6-507
- 7 625 ILCS 5/6-508.1