

1 AN ACT to amend the Illinois Vehicle Code by changing
2 Sections 6-206, 11-1201, and 16-105.

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

5 Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 6-206, 11-1201, and 16-105 as follows:

7 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

22 3. Has been repeatedly involved as a driver in
23 motor vehicle collisions or has been repeatedly convicted
24 of offenses against laws and ordinances regulating the
25 movement of traffic, to a degree that indicates lack of
26 ability to exercise ordinary and reasonable care in the
27 safe operation of a motor vehicle or disrespect for the
28 traffic laws and the safety of other persons upon the
29 highway;

30 4. Has by the unlawful operation of a motor vehicle
31 caused or contributed to an accident resulting in death

1 or injury requiring immediate professional treatment in a
2 medical facility or doctor's office to any person, except
3 that any suspension or revocation imposed by the
4 Secretary of State under the provisions of this
5 subsection shall start no later than 6 months after being
6 convicted of violating a law or ordinance regulating the
7 movement of traffic, which violation is related to the
8 accident, or shall start not more than one year after the
9 date of the accident, whichever date occurs later;

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

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

16 7. Has refused or failed to submit to an
17 examination provided for by Section 6-207 or has failed
18 to pass the examination;

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

21 9. Has made a false statement or knowingly
22 concealed a material fact or has used false information
23 or identification in any application for a license,
24 identification card, or permit;

25 10. Has possessed, displayed, or attempted to
26 fraudulently use any license, identification card, or
27 permit not issued to the person;

28 11. Has operated a motor vehicle upon a highway of
29 this State when the person's driving privilege or
30 privilege to obtain a driver's license or permit was
31 revoked or suspended unless the operation was authorized
32 by a judicial driving permit, probationary license to
33 drive, or a restricted driving permit issued under this
34 Code;

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

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

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

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

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

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

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

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

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

32 21. Has been convicted of violating Section 11-402
33 of this Code relating to leaving the scene of an accident
34 resulting in damage to a vehicle in excess of \$1,000, in

1 which case the suspension shall be for one year;

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

7 23. Has, as a driver, been convicted of committing
8 a violation of paragraph (a) of Section 11-502 of this
9 Code for a second or subsequent time within one year of a
10 similar violation;

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

17 25. Has permitted any form of identification to be
18 used by another in the application process in order to
19 obtain or attempt to obtain a license, identification
20 card, or permit;

21 26. Has altered or attempted to alter a license or
22 has possessed an altered license, identification card, or
23 permit;

24 27. Has violated Section 6-16 of the Liquor Control
25 Act of 1934;

26 28. Has been convicted of the illegal possession,
27 while operating or in actual physical control, as a
28 driver, of a motor vehicle, of any controlled substance
29 prohibited under the Illinois Controlled Substances Act
30 or any cannabis prohibited under the provisions of the
31 Cannabis Control Act, in which case the person's driving
32 privileges shall be suspended for one year, and any
33 driver who is convicted of a second or subsequent
34 offense, within 5 years of a previous conviction, for the

1 illegal possession, while operating or in actual physical
2 control, as a driver, of a motor vehicle, of any
3 controlled substance prohibited under the provisions of
4 the Illinois Controlled Substances Act or any cannabis
5 prohibited under the Cannabis Control Act shall be
6 suspended for 5 years. Any defendant found guilty of this
7 offense while operating a motor vehicle, shall have an
8 entry made in the court record by the presiding judge
9 that this offense did occur while the defendant was
10 operating a motor vehicle and order the clerk of the
11 court to report the violation to the Secretary of State;

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

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

27 31. Has refused to submit to a test as required by
28 Section 11-501.6 or has submitted to a test resulting in
29 an alcohol concentration of 0.08 or more or any amount of
30 a drug, substance, or compound resulting from the
31 unlawful use or consumption of cannabis as listed in the
32 Cannabis Control Act or a controlled substance as listed
33 in the Illinois Controlled Substances Act in which case
34 the penalty shall be as prescribed in Section 6-208.1;

1 32. Has been convicted of Section 24-1.2 of the
2 Criminal Code of 1961 relating to the aggravated
3 discharge of a firearm if the offender was located in a
4 motor vehicle at the time the firearm was discharged, in
5 which case the suspension shall be for 3 years;

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

10 34. Has committed a violation of Section 11-1301.5
11 of this Code;

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

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

21 37. Has committed a violation of subsection (b) of
22 Section 11-1201 of this Code, in which case the
23 suspension shall be 3 months for a first violation, 6
24 months for a second violation, or one year for a third or
25 subsequent violation.

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

33 (b) If any conviction forming the basis of a suspension
34 or revocation authorized under this Section is appealed, the

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

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

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

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

9 The provisions of this subparagraph shall not apply
10 to any driver required to obtain a commercial driver's
11 license under Section 6-507 during the period of a
12 disqualification of commercial driving privileges under
13 Section 6-514.

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

19 3. At the conclusion of a hearing under Section
20 2-118 of this Code, the Secretary of State shall either
21 rescind or continue an order of revocation or shall
22 substitute an order of suspension; or, good cause
23 appearing therefor, rescind, continue, change, or extend
24 the order of suspension. If the Secretary of State does
25 not rescind the order, the Secretary may upon
26 application, to relieve undue hardship, issue a
27 restricted driving permit granting the privilege of
28 driving a motor vehicle between the petitioner's
29 residence and petitioner's place of employment or within
30 the scope of his employment related duties, or to allow
31 transportation for the petitioner, or a household member
32 of the petitioner's family, to receive necessary medical
33 care and if the professional evaluation indicates,
34 provide transportation for alcohol remedial or

1 rehabilitative activity, or for the petitioner to attend
2 classes, as a student, in an accredited educational
3 institution; if the petitioner is able to demonstrate
4 that no alternative means of transportation is reasonably
5 available and the petitioner will not endanger the public
6 safety or welfare. In each case the Secretary may issue a
7 restricted driving permit for a period deemed
8 appropriate, except that all permits shall expire within
9 one year from the date of issuance. A restricted driving
10 permit issued under this Section shall be subject to
11 cancellation, revocation, and suspension by the Secretary
12 of State in like manner and for like cause as a driver's
13 license issued under this Code may be cancelled, revoked,
14 or suspended; except that a conviction upon one or more
15 offenses against laws or ordinances regulating the
16 movement of traffic shall be deemed sufficient cause for
17 the revocation, suspension, or cancellation of a
18 restricted driving permit. The Secretary of State may, as
19 a condition to the issuance of a restricted driving
20 permit, require the applicant to participate in a
21 designated driver remedial or rehabilitative program. The
22 Secretary of State is authorized to cancel a restricted
23 driving permit if the permit holder does not successfully
24 complete the program.

25 (c-5) The Secretary of State may, as a condition of the
26 reissuance of a driver's license or permit to an applicant
27 under the age of 18 years whose driver's license or permit
28 has been suspended pursuant to any of the provisions of this
29 Section, require the applicant to participate in a driver
30 remedial education course and be retested under Section 6-109
31 of this Code.

32 (d) This Section is subject to the provisions of the
33 Drivers License Compact.

34 (e) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose
2 driving privileges have been suspended or revoked under any
3 provisions of this Code.

4 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95;
5 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff.
6 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

7 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)
8 Sec. 11-1201. Obedience to signal indicating approach of
9 train.

10 (a) Whenever any person driving a vehicle approaches a
11 railroad grade crossing such person must exercise due care
12 and caution as the existence of a railroad track across a
13 highway is a warning of danger, and under any of the
14 circumstances stated in this Section, the driver shall stop
15 within 50 feet but not less than 15 feet from the nearest
16 rail of the railroad and shall not proceed until he can do so
17 safely. The foregoing requirements shall apply when:

18 1. A clearly visible electric or mechanical signal
19 device gives warning of the immediate approach of a
20 railroad train;

21 2. A crossing gate is lowered or a human flagman
22 gives or continues to give a signal of the approach or
23 passage of a railroad train;

24 3. A railroad train approaching a highway crossing
25 emits a warning signal and such railroad train, by reason
26 of its speed or nearness to such crossing, is an
27 immediate hazard;

28 4. An approaching railroad train is plainly visible
29 and is in hazardous proximity to such crossing.

30 5. A railroad train is approaching so closely that
31 an immediate hazard is created.

32 (b) No person shall drive any vehicle through, around or
33 under any crossing gate or barrier at a railroad crossing

1 while such gate or barrier is closed or is being opened or
2 closed.

3 (c) The Department, and local authorities with the
4 approval of the Department, are hereby authorized to
5 designate particularly dangerous highway grade crossings of
6 railroads and to erect stop signs thereat. When such stop
7 signs are erected the driver of any vehicle shall stop within
8 50 feet but not less than 15 feet from the nearest rail of
9 such railroad and shall proceed only upon exercising due
10 care.

11 (d) At any railroad grade crossing provided with
12 railroad crossbuck signs, without automatic, electric, or
13 mechanical signal devices, crossing gates, or a human flagman
14 giving a signal of the approach or passage of a train, the
15 driver of a vehicle shall in obedience to the railroad
16 crossbuck sign, yield the right-of-way and slow down to a
17 speed reasonable for the existing conditions and shall stop,
18 if required for safety, at a clearly marked stopped line, or
19 if no stop line, within 50 feet but not less than 15 feet
20 from the nearest rail of the railroad and shall not proceed
21 until he or she can do so safely. If a driver is involved in
22 a collision at a railroad crossing or interferes with the
23 movement of a train after driving past the railroad crossbuck
24 sign, the collision or interference is prima facie evidence
25 of the driver's failure to yield right-of-way.

26 (e) Except as provided in subsection (e-5), a violation
27 of ~~any-part-of~~ this Section shall result in a mandatory fine
28 of \$500 or 50 hours of community service.

29 (e-5) Any person who violates subsection (b) of this
30 Section shall be fined \$500 and his or her driving privileges
31 shall be suspended for 3 months. A second violation shall
32 result in a \$1,000 fine and a 6 month suspension. A third or
33 subsequent violation shall result in a \$1,000 fine and a one
34 year suspension. Of the moneys collected from fines imposed

1 under this subsection, 75% shall be deposited in the Grade
 2 Crossing Protection Fund and shall be used for signs at grade
 3 crossings to inform motorists of the penalties for going
 4 around crossing gates, and the remainder shall be paid and
 5 used in accordance with the terms of Section 16-105 of this
 6 Act.

7 (f) Local authorities shall impose fines as established
 8 in subsection (e) for vehicles that fail to obey signals
 9 indicating the presence, approach, passage, or departure of a
 10 train.

11 (Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)

12 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

13 Sec. 16-105. Disposition of fines and forfeitures.

14 (a) Except as provided in subsection (e-5) of Section
 15 11-1201 of this Act and in Section 16-104a of this Act and
 16 except for those amounts required to be paid into the Traffic
 17 and Criminal Conviction Surcharge Fund in the State Treasury
 18 pursuant to Section 9.1 of the Illinois Police Training Act
 19 and Section 5-9-1 of the Unified Code of Corrections and
 20 except those amounts subject to disbursement by the circuit
 21 clerk under Section 27.5 of the Clerks of Courts Act, fines
 22 and penalties recovered under the provisions of Chapters 11
 23 through 16 inclusive of this Code shall be paid and used as
 24 follows:

- 25 1. For offenses committed upon a highway within the
- 26 limits of a city, village, or incorporated town or under
- 27 the jurisdiction of any park district, to the treasurer
- 28 of the particular city, village, incorporated town or
- 29 park district, if the violator was arrested by the
- 30 authorities of the city, village, incorporated town or
- 31 park district, provided the police officers and officials
- 32 of cities, villages, incorporated towns and park
- 33 districts shall seasonably prosecute for all fines and

1 penalties under this Code. If the violation is prosecuted
2 by the authorities of the county, any fines or penalties
3 recovered shall be paid to the county treasurer. Provided
4 further that if the violator was arrested by the State
5 Police, fines and penalties recovered under the
6 provisions of paragraph (a) of Section 15-113 of this
7 Code or paragraph (e) of Section 15-316 of this Code
8 shall be paid over to the Department of State Police
9 which shall thereupon remit the amount of the fines and
10 penalties so received to the State Treasurer who shall
11 deposit the amount so remitted in the special fund in the
12 State treasury known as the Road Fund except that if the
13 violation is prosecuted by the State's Attorney, 10% of
14 the fine or penalty recovered shall be paid to the
15 State's Attorney as a fee of his office and the balance
16 shall be paid over to the Department of State Police for
17 remittance to and deposit by the State Treasurer as
18 hereinabove provided.

19 2. Except as provided in paragraph 4, for offenses
20 committed upon any highway outside the limits of a city,
21 village, incorporated town or park district, to the
22 county treasurer of the county where the offense was
23 committed except if such offense was committed on a
24 highway maintained by or under the supervision of a
25 township, township district, or a road district to the
26 Treasurer thereof for deposit in the road and bridge fund
27 of such township or other district; Provided, that fines
28 and penalties recovered under the provisions of paragraph
29 (a) of Section 15-113, paragraph (d) of Section 3-401, or
30 paragraph (e) of Section 15-316 of this Code shall be
31 paid over to the Department of State Police which shall
32 thereupon remit the amount of the fines and penalties so
33 received to the State Treasurer who shall deposit the
34 amount so remitted in the special fund in the State

1 treasury known as the Road Fund except that if the
2 violation is prosecuted by the State's Attorney, 10% of
3 the fine or penalty recovered shall be paid to the
4 State's Attorney as a fee of his office and the balance
5 shall be paid over to the Department of State Police for
6 remittance to and deposit by the State Treasurer as
7 hereinabove provided.

8 3. Notwithstanding subsections 1 and 2 of this
9 paragraph, for violations of overweight and overload
10 limits found in Sections 15-101 through 15-203 of this
11 Code, which are committed upon the highways belonging to
12 the Illinois State Toll Highway Authority, fines and
13 penalties shall be paid over to the Illinois State Toll
14 Highway Authority for deposit with the State Treasurer
15 into that special fund known as the Illinois State Toll
16 Highway Authority Fund, except that if the violation is
17 prosecuted by the State's Attorney, 10% of the fine or
18 penalty recovered shall be paid to the State's Attorney
19 as a fee of his office and the balance shall be paid over
20 to the Illinois State Toll Highway Authority for
21 remittance to and deposit by the State Treasurer as
22 hereinabove provided.

23 4. With regard to violations of overweight and
24 overload limits found in Sections 15-101 through 15-203
25 of this Code committed by operators of vehicles
26 registered as Special Hauling Vehicles, for offenses
27 committed upon a highway within the limits of a city,
28 village, or incorporated town or under the jurisdiction
29 of any park district, all fines and penalties shall be
30 paid over or retained as required in paragraph 1.
31 However, with regard to the above offenses committed by
32 operators of vehicles registered as Special Hauling
33 Vehicles upon any highway outside the limits of a city,
34 village, incorporated town or park district, fines and

1 penalties shall be paid over or retained by the entity
2 having jurisdiction over the road or highway upon which
3 the offense occurred, except that if the violation is
4 prosecuted by the State's Attorney, 10% of the fine or
5 penalty recovered shall be paid to the State's Attorney
6 as a fee of his office.

7 (b) Failure, refusal or neglect on the part of any
8 judicial or other officer or employee receiving or having
9 custody of any such fine or forfeiture either before or after
10 a deposit with the proper official as defined in paragraph
11 (a) of this Section, shall constitute misconduct in office
12 and shall be grounds for removal therefrom.

13 (Source: P.A. 88-403; 88-476; 88-535; 89-117, eff. 7-7-95.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.