

1 AN ACT concerning vehicles.

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
5 changing Sections 6-110 and 6-206 and adding Section 11-1429
6 as follows:

7 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)
8 Sec. 6-110. Licenses issued to drivers.

9 (a) The Secretary of State shall issue to every
10 qualifying applicant a driver's license as applied for, which
11 license shall bear a distinguishing number assigned to the
12 licensee, the name, social security number, zip code, date of
13 birth, address, and a brief description of the licensee, and
14 a space where the licensee may write his usual signature.

15 If the licensee is less than 17 years of age, the license
16 shall, as a matter of law, be invalid for the operation of
17 any motor vehicle during any time the licensee is prohibited
18 from being on any street or highway under the provisions of
19 the Child Curfew Act.

20 Licenses issued shall also indicate the classification
21 and the restrictions under Section 6-104 of this Code.

22 In lieu of the social security number, the Secretary may
23 in his discretion substitute a federal tax number or other
24 distinctive number.

25 A driver's license issued may, in the discretion of the
26 Secretary, include a suitable photograph of a type prescribed
27 by the Secretary.

28 (b) The Secretary of State shall provide a format on the
29 reverse of each driver's license issued which the licensee
30 may use to execute a document of gift conforming to the
31 provisions of the Uniform Anatomical Gift Act. The format

1 shall allow the licensee to indicate the gift intended,
2 whether specific organs, any organ, or the entire body, and
3 shall accommodate the signatures of the donor and 2
4 witnesses. The Secretary shall also inform each applicant or
5 licensee of this format, describe the procedure for its
6 execution, and may offer the necessary witnesses; provided
7 that in so doing, the Secretary shall advise the applicant or
8 licensee that he or she is under no compulsion to execute a
9 document of gift. A brochure explaining this method of
10 executing an anatomical gift document shall be given to each
11 applicant or licensee. The brochure shall advise the
12 applicant or licensee that he or she is under no compulsion
13 to execute a document of gift, and that he or she may wish to
14 consult with family, friends or clergy before doing so. The
15 Secretary of State may undertake additional efforts,
16 including education and awareness activities, to promote
17 organ and tissue donation.

18 (c) The Secretary of State shall designate on each
19 driver's license issued a space where the licensee may place
20 a sticker or decal of the uniform size as the Secretary may
21 specify, which sticker or decal may indicate in appropriate
22 language that the owner of the license carries an Emergency
23 Medical Information Card.

24 The sticker may be provided by any person, hospital,
25 school, medical group, or association interested in assisting
26 in implementing the Emergency Medical Information Card, but
27 shall meet the specifications as the Secretary may by rule or
28 regulation require.

29 (d) The Secretary of State shall designate on each
30 driver's license issued a space where the licensee may
31 indicate his blood type and RH factor.

32 (e) The Secretary of State shall provide that each
33 original or renewal driver's license issued to a licensee
34 under 21 years of age shall be of a distinct nature from

1 those driver's licenses issued to individuals 21 years of age
2 and older. The color designated for driver's licenses for
3 licensees under 21 years of age shall be at the discretion of
4 the Secretary of State.

5 (e-1) The Secretary of State must provide that each
6 original or renewal driver's license issued to a licensee
7 younger than 19 years of age is of a distinct nature from
8 those driver's licenses issued to individuals 19 and 20 years
9 of age. The color designated for driver's licenses for
10 licensees under 19 years of age shall be at the discretion of
11 the Secretary of State.

12 (f) The Secretary of State shall inform all Illinois
13 licensed commercial motor vehicle operators of the
14 requirements of the Uniform Commercial Driver License Act,
15 Article V of this Chapter, and shall make provisions to
16 insure that all drivers, seeking to obtain a commercial
17 driver's license, be afforded an opportunity prior to April
18 1, 1992, to obtain the license. The Secretary is authorized
19 to extend driver's license expiration dates, and assign
20 specific times, dates and locations where these commercial
21 driver's tests shall be conducted. Any applicant, regardless
22 of the current expiration date of the applicant's driver's
23 license, may be subject to any assignment by the Secretary.
24 Failure to comply with the Secretary's assignment may result
25 in the applicant's forfeiture of an opportunity to receive a
26 commercial driver's license prior to April 1, 1992.

27 (g) The Secretary of State shall designate on a driver's
28 license issued, a space where the licensee may indicate that
29 he or she has drafted a living will in accordance with the
30 Illinois Living Will Act or a durable power of attorney for
31 health care in accordance with the Illinois Power of Attorney
32 Act.

33 (g-1) The Secretary of State, in his or her discretion,
34 may designate on each driver's license issued a space where

1 the licensee may place a sticker or decal, issued by the
2 Secretary of State, of uniform size as the Secretary may
3 specify, that shall indicate in appropriate language that the
4 owner of the license has renewed his or her driver's license.

5 (h) A person who acts in good faith in accordance with
6 the terms of this Section is not liable for damages in any
7 civil action or subject to prosecution in any criminal
8 proceeding for his or her act.

9 (Source: P.A. 90-191, eff. 1-1-98; 91-357, eff. 7-29-99.)

10 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

17 1. Has committed an offense for which mandatory
18 revocation of a driver's license or permit is required
19 upon conviction;

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

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

33 4. Has by the unlawful operation of a motor vehicle

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

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

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

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

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

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

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

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

1 Code;

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

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

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

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

19 16. Has been convicted of violating Section 11-204
20 of this Code relating to fleeing from a police 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
23 person has not sought a hearing as provided for in
24 Section 11-501.1;

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

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

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

33 21. Has been convicted of violating Section 11-402
34 of this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in
2 which case the suspension shall be for one year;

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

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

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

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

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

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

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

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

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

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

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

1 the penalty shall be as prescribed in Section 6-208.1;

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

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

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

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

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

22 37. Has committed a second or subsequent violation
23 of Section 11-1429 of this Code.

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

31 (b) If any conviction forming the basis of a suspension
32 or revocation authorized under this Section is appealed, the
33 Secretary of State may rescind or withhold the entry of the
34 order of suspension or revocation, as the case may be,

1 provided that a certified copy of a stay order of a court is
2 filed with the Secretary of State. If the conviction is
3 affirmed on appeal, the date of the conviction shall relate
4 back to the time the original judgment of conviction was
5 entered and the 6 month limitation prescribed shall not
6 apply.

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

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

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

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

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

17 3. At the conclusion of a hearing under Section
18 2-118 of this Code, the Secretary of State shall either
19 rescind or continue an order of revocation or shall
20 substitute an order of suspension; or, good cause
21 appearing therefor, rescind, continue, change, or extend
22 the order of suspension. If the Secretary of State does
23 not rescind the order, the Secretary may upon
24 application, to relieve undue hardship, issue a
25 restricted driving permit granting the privilege of
26 driving a motor vehicle between the petitioner's
27 residence and petitioner's place of employment or within
28 the scope of his employment related duties, or to allow
29 transportation for the petitioner, or a household member
30 of the petitioner's family, to receive necessary medical
31 care and if the professional evaluation indicates,
32 provide transportation for alcohol remedial or
33 rehabilitative activity, or for the petitioner to attend
34 classes, as a student, in an accredited educational

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

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

30 (d) This Section is subject to the provisions of the
31 Drivers License Compact.

32 (e) The Secretary of State shall not issue a restricted
33 driving permit to a person under the age of 16 years whose
34 driving privileges have been suspended or revoked under any

1 provisions of this Code.

2 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95;
3 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff.
4 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

5 (625 ILCS 5/11-1429 new)

6 Sec. 11-1429. Theft of motor fuel.

7 (a) No person may operate a vehicle so as to cause it to
8 leave the premises of an establishment at which motor fuel
9 offered for retail sale was dispensed into the fuel tank of
10 the vehicle unless that person or some other person has paid
11 for or charged the price of the dispensed motor fuel.

12 (b) Violation of this Section is a petty offense
13 punishable by a fine of \$250 or 30 hours of community
14 service.

15 (c) A second violation of this Section shall cause the
16 person's driver's license to be suspended for 6 months. A
17 third or subsequent violation of this Section shall result in
18 a one-year suspension.