

1 AN ACT concerning motor 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 1-197.5, 6-205, 6-500, 6-506, 6-514, and
6 11-1201 as follows:

7 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

8 Sec. 1-197.5. Statutory summary alcohol or other drug
9 related suspension of driver's privileges. The withdrawal by
10 the circuit court of a person's license or privilege to
11 operate a motor vehicle on the public highways for the
12 periods provided in Section 6-208.1. Reinstatement after the
13 suspension period shall occur after all appropriate fees have
14 been paid, unless the court notifies the Secretary of State
15 that the person should be disqualified. The bases for this
16 withdrawal of driving privileges shall be the individual's
17 refusal to submit to or failure to complete a chemical test
18 or tests following an arrest for the offense of driving under
19 the influence of alcohol, ~~or~~ other drugs, or intoxicating
20 compounds ~~or both~~, or submission to such a test or tests
21 indicating an alcohol concentration of 0.08 or more as
22 provided in Section 11-501.1 of this Code.

23 (Source: P.A. 90-89, eff. 1-1-98; incorporates 90-43, eff.
24 7-2-97; 90-655, eff. 7-30-98.)

25 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

26 Sec. 6-205. Mandatory revocation of license or permit;
27 Hardship cases.

28 (a) Except as provided in this Section, the Secretary of
29 State shall immediately revoke the license, ~~or~~ permit, or
30 driving privileges of any driver upon receiving a report of

1 the driver's conviction of any of the following offenses:

2 1. Reckless homicide resulting from the operation
3 of a motor vehicle;

4 2. Violation of Section 11-501 of this Code or a
5 similar provision of a local ordinance relating to the
6 offense of operating or being in physical control of a
7 vehicle while under the influence of alcohol, other drug
8 or drugs, intoxicating compound or compounds, or any
9 combination thereof;

10 3. Any felony under the laws of any State or the
11 federal government in the commission of which a motor
12 vehicle was used;

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

16 5. Perjury or the making of a false affidavit or
17 statement under oath to the Secretary of State under this
18 Code or under any other law relating to the ownership or
19 operation of motor vehicles;

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

23 7. Conviction of any the offense of ~~automobile~~
24 ~~theft~~-as defined in Section 4-102 of this Code;

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

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

28 10. Violation of Section 12-5 of the Criminal Code
29 of 1961 arising from the use of a motor vehicle;

30 11. Violation of Section 11-204.1 of this Code
31 relating to aggravated fleeing or attempting to elude a
32 police officer;

33 12. Violation of paragraph (1) of subsection (b) of
34 Section 6-507, or a similar law of any other state,

1 relating to the unlawful operation of a commercial motor
2 vehicle;

3 13. Violation of paragraph (a) of Section 11-502 of
4 this Code or a similar provision of a local ordinance if
5 the driver has been previously convicted of a violation
6 of that Section or a similar provision of a local
7 ordinance and the driver was less than 21 years of age at
8 the time of the offense.

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

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

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

20 (c) Whenever a person is convicted of any of the
21 offenses enumerated in this Section, the court may recommend
22 and the Secretary of State in his discretion, without regard
23 to whether the recommendation is made by the court may, upon
24 application, issue to the person a restricted driving permit
25 granting the privilege of driving a motor vehicle between the
26 petitioner's residence and petitioner's place of employment
27 or within the scope of the petitioner's employment related
28 duties, or to allow transportation for the petitioner or a
29 household member of the petitioner's family for the receipt
30 of necessary medical care or, if the professional evaluation
31 indicates, provide transportation for the petitioner for
32 alcohol remedial or rehabilitative activity, or for the
33 petitioner to attend classes, as a student, in an accredited
34 educational institution; if the petitioner is able to

1 demonstrate that no alternative means of transportation is
2 reasonably available and the petitioner will not endanger the
3 public safety or welfare; provided that the Secretary's
4 discretion shall be limited to cases where undue hardship
5 would result from a failure to issue the restricted driving
6 permit.

7 If a person's license or permit has been revoked or
8 suspended due to 2 or more convictions of violating Section
9 11-501 of this Code or a similar provision of a local
10 ordinance or a similar out-of-state offense, arising out of
11 separate occurrences, that person, if issued a restricted
12 driving permit, may not operate a vehicle unless it has been
13 equipped with an ignition interlock device as defined in
14 Section 1-129.1.

15 If a person's license or permit has been revoked or
16 suspended 2 or more times within a 10 year period due to a
17 single conviction of violating Section 11-501 of this Code or
18 a similar provision of a local ordinance or a similar
19 out-of-state offense, and a statutory summary suspension
20 under Section 11-501.1, or 2 or more statutory summary
21 suspensions, or combination of 2 offenses, or of an offense
22 and a statutory summary suspension, arising out of separate
23 occurrences, that person, if issued a restricted driving
24 permit, may not operate a vehicle unless it has been equipped
25 with an ignition interlock device as defined in Section
26 1-129.1. The person must pay to the Secretary of State DUI
27 Administration Fund an amount not to exceed \$20 per month.
28 The Secretary shall establish by rule the amount and the
29 procedures, terms, and conditions relating to these fees. If
30 the restricted driving permit was issued for employment
31 purposes, then this provision does not apply to the operation
32 of an occupational vehicle owned or leased by that person's
33 employer. In each case the Secretary of State may issue a
34 restricted driving permit for a period he deems appropriate,

1 except that the permit shall expire within one year from the
2 date of issuance. The Secretary may not, however, issue a
3 restricted driving permit to any person whose current
4 revocation is the result of a second or subsequent conviction
5 for a violation of Section 11-501 of this Code or a similar
6 provision of a local ordinance relating to the offense of
7 operating or being in physical control of a motor vehicle
8 while under the influence of alcohol, other drug or drugs,
9 intoxicating compound or compounds, or any similar
10 out-of-state offense, or any combination thereof, until the
11 expiration of at least one year from the date of the
12 revocation. A restricted driving permit issued under this
13 Section shall be subject to cancellation, revocation, and
14 suspension by the Secretary of State in like manner and for
15 like cause as a driver's license issued under this Code may
16 be cancelled, revoked, or suspended; except that a conviction
17 upon one or more offenses against laws or ordinances
18 regulating the movement of traffic shall be deemed sufficient
19 cause for the revocation, suspension, or cancellation of a
20 restricted driving permit. The Secretary of State may, as a
21 condition to the issuance of a restricted driving permit,
22 require the applicant to participate in a designated driver
23 remedial or rehabilitative program. The Secretary of State is
24 authorized to cancel a restricted driving permit if the
25 permit holder does not successfully complete the program.
26 However, if an individual's driving privileges have been
27 revoked in accordance with paragraph 13 of subsection (a) of
28 this Section, no restricted driving permit shall be issued
29 until the individual has served 6 months of the revocation
30 period.

31 (d) Whenever a person under the age of 21 is convicted
32 under Section 11-501 of this Code or a similar provision of a
33 local ordinance, the Secretary of State shall revoke the
34 driving privileges of that person. One year after the date

1 of revocation, and upon application, the Secretary of State
2 may, if satisfied that the person applying will not endanger
3 the public safety or welfare, issue a restricted driving
4 permit granting the privilege of driving a motor vehicle only
5 between the hours of 5 a.m. and 9 p.m. or as otherwise
6 provided by this Section for a period of one year. After
7 this one year period, and upon reapplication for a license as
8 provided in Section 6-106, upon payment of the appropriate
9 reinstatement fee provided under paragraph (b) of Section
10 6-118, the Secretary of State, in his discretion, may issue
11 the applicant a license, or extend the restricted driving
12 permit as many times as the Secretary of State deems
13 appropriate, by additional periods of not more than 12 months
14 each, until the applicant attains 21 years of age.

15 If a person's license or permit has been revoked or
16 suspended due to 2 or more convictions of violating Section
17 11-501 of this Code or a similar provision of a local
18 ordinance or a similar out-of-state offense, arising out of
19 separate occurrences, that person, if issued a restricted
20 driving permit, may not operate a vehicle unless it has been
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1.

23 If a person's license or permit has been revoked or
24 suspended 2 or more times within a 10 year period due to a
25 single conviction of violating Section 11-501 of this Code or
26 a similar provision of a local ordinance or a similar
27 out-of-state offense, and a statutory summary suspension
28 under Section 11-501.1, or 2 or more statutory summary
29 suspensions, or combination of 2 offenses, or of an offense
30 and a statutory summary suspension, arising out of separate
31 occurrences, that person, if issued a restricted driving
32 permit, may not operate a vehicle unless it has been equipped
33 with an ignition interlock device as defined in Section
34 1-129.1. The person must pay to the Secretary of State DUI

1 Administration Fund an amount not to exceed \$20 per month.
2 The Secretary shall establish by rule the amount and the
3 procedures, terms, and conditions relating to these fees. If
4 the restricted driving permit was issued for employment
5 purposes, then this provision does not apply to the operation
6 of an occupational vehicle owned or leased by that person's
7 employer. A restricted driving permit issued under this
8 Section shall be subject to cancellation, revocation, and
9 suspension by the Secretary of State in like manner and for
10 like cause as a driver's license issued under this Code may
11 be cancelled, revoked, or suspended; except that a conviction
12 upon one or more offenses against laws or ordinances
13 regulating the movement of traffic shall be deemed sufficient
14 cause for the revocation, suspension, or cancellation of a
15 restricted driving permit. The revocation periods contained
16 in this subparagraph shall apply to similar out-of-state
17 convictions.

18 (e) This Section is subject to the provisions of the
19 Driver License Compact.

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

24 (g) The Secretary of State shall not issue a restricted
25 driving permit to a person under the age of 16 years whose
26 driving privileges have been revoked under any provisions of
27 this Code.

28 (h) The Secretary of State shall require the use of
29 ignition interlock devices on all vehicles owned by an
30 individual who has been convicted of a second or subsequent
31 offense under Section 11-501 of this Code or a similar
32 provision of a local ordinance. The Secretary shall
33 establish by rule and regulation the procedures for
34 certification and use of the interlock system.

1 (i) The Secretary of State may not issue a restricted
 2 driving permit for a period of one year after a second or
 3 subsequent revocation of driving privileges under clause
 4 (a)(2) of this Section; however, one year after the date of a
 5 second or subsequent revocation of driving privileges under
 6 clause (a)(2) of this Section, the Secretary of State may,
 7 upon application, issue a restricted driving permit under the
 8 terms and conditions of subsection (c).

9 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01;
 10 92-418, eff. 8-17-01; revised 8-24-01.)

11 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

12 Sec. 6-500. Definitions of words and phrases.
 13 Notwithstanding the definitions set forth elsewhere in this
 14 Code, for purposes of the Uniform Commercial Driver's License
 15 Act (UCDLA), the words and phrases listed below shall have
 16 the meanings ascribed to them as follows:

17 (1) Alcohol. "Alcohol" means any substance containing
 18 any form of alcohol, including but not limited to: ethanol,
 19 methanol, propanol, and isopropanol.

20 (2) Alcohol concentration. "Alcohol concentration"
 21 means:

22 (A) (a) the number of grams of alcohol per 210
 23 liters of breath; or

24 (B) (b) the number of grams of alcohol per 100
 25 milliliters of blood; or

26 (C) (c) the number of grams of alcohol per 67
 27 milliliters of urine.

28 Alcohol tests administered within 2 hours of the driver
 29 being "stopped or detained" shall be considered that driver's
 30 "alcohol concentration" for the purposes of enforcing this
 31 UCDLA.

32 (3) (Blank).

33 (4) (Blank).

1 (5) (Blank).

2 (6) Commercial Motor Vehicle.

3 (A) "Commercial motor vehicle" means a motor
4 vehicle, except those referred to in subdivision (B)
5 ~~paragraph---~~~~(d)~~, designed to transport passengers or
6 property if:

7 (i) ~~(a)~~ the vehicle has a GVWR of 26,001
8 pounds or more or such a lesser GVWR as subsequently
9 determined by federal regulations or the Secretary
10 of State; or any combination of vehicles with a GCWR
11 of 26,001 pounds or more, provided the GVWR of any
12 vehicle or vehicles being towed is 10,001 pounds or
13 more; or

14 (ii) ~~(b)~~ the vehicle is designed to transport
15 16 or more persons; or

16 (iii) ~~(c)~~ the vehicle is transporting
17 hazardous materials and is required to be placarded
18 in accordance with 49 C.F.R. Part 172, subpart F.

19 (B) ~~(d)~~ Pursuant to the interpretation of the
20 Commercial Motor Vehicle Safety Act of 1986 by the
21 Federal Highway Administration, the definition of
22 "commercial motor vehicle" does not include:

23 (i) recreational vehicles, when operated
24 primarily for personal use;

25 (ii) United States Department of Defense
26 vehicles being operated by non-civilian personnel.
27 This includes any operator on active military duty;
28 members of the Reserves; National Guard; personnel
29 on part-time training; and National Guard military
30 technicians (civilians who are required to wear
31 military uniforms and are subject to the Code of
32 Military Justice); or

33 (iii) firefighting and other emergency
34 equipment with audible and visual signals, owned or

1 operated by or for a governmental entity, which is
 2 necessary to the preservation of life or property or
 3 the execution of emergency governmental functions
 4 which are normally not subject to general traffic
 5 rules and regulations.

6 (7) Controlled Substance. "Controlled substance" shall
 7 have the same meaning as defined in Section 102 of the
 8 Illinois Controlled Substances Act, and shall also include
 9 cannabis as defined in Section 3 of the Cannabis Control Act.

10 (8) Conviction. "Conviction" means an unvacated
 11 adjudication of guilt or a determination that a person has
 12 violated or failed to comply with the law in a court of
 13 original jurisdiction or an authorized administrative
 14 tribunal; an unvacated forfeiture of bail or collateral
 15 deposited to secure the person's appearance in court; the
 16 payment of a fine or court cost regardless of whether the
 17 imposition of sentence is deferred and ultimately a judgment
 18 dismissing the underlying charge is entered; or a violation
 19 of a condition of release without bail, regardless of whether
 20 or not the penalty is rebated, suspended or probated.

21 (9) (Blank).

22 (10) (Blank).

23 (11) (Blank).

24 (12) (Blank).

25 (13) Driver. "Driver" means any person who drives,
 26 operates, or is in physical control of a commercial motor
 27 vehicle, or who is required to hold a CDL.

28 (14) Employee. "Employee" means a person who is
 29 employed as a commercial motor vehicle driver. A person who
 30 is self-employed as a commercial motor vehicle driver must
 31 comply with the requirements of this UCDLA pertaining to
 32 employees. An owner-operator on a long-term lease shall be
 33 considered an employee.

34 (15) Employer. "Employer" means a person (including the

1 United States, a State or a local authority) who owns or
2 leases a commercial motor vehicle or assigns employees to
3 operate such a vehicle. A person who is self-employed as a
4 commercial motor vehicle driver must comply with the
5 requirements of this UCCLA.

6 (16) (Blank).

7 (17) Foreign jurisdiction. "Foreign jurisdiction" means
8 a sovereign jurisdiction that does not fall within the
9 definition of "State".

10 (18) (Blank).

11 (19) (Blank).

12 (20) Hazardous Material. Upon a finding by the United
13 States Secretary of Transportation, in his or her discretion,
14 under 49 App. U.S.C. 5103(a), that the transportation of a
15 particular quantity and form of material in commerce may pose
16 an unreasonable risk to health and safety or property, he or
17 she shall designate the quantity and form of material or
18 group or class of the materials as a hazardous material. The
19 materials so designated may include but are not limited to
20 explosives, radioactive materials, etiologic agents,
21 flammable liquids or solids, combustible liquids or solids,
22 poisons, oxidizing or corrosive materials, and compressed
23 gases.

24 (21) Long-term lease ~~Long-term-lease~~. "Long-term lease"
25 ~~"Long-term-lease"~~ means a lease of a commercial motor vehicle
26 by the owner-lessor to a lessee, for a period of more than 29
27 days.

28 (22) Motor Vehicle. "Motor vehicle" means every vehicle
29 which is self-propelled, and every vehicle which is propelled
30 by electric power obtained from over head trolley wires but
31 not operated upon rails, except vehicles moved solely by
32 human power and motorized wheel chairs.

33 (23) Non-resident CDL. "Non-resident CDL" means a
34 commercial driver's license issued by a state to an

1 individual who is domiciled in a foreign jurisdiction.

2 (24) (Blank).

3 (25) (Blank).

4 (25.5) Railroad-Highway Grade Crossing Violation.

5 "Railroad-highway grade crossing violation" means a
6 conviction violation, while operating a commercial motor
7 vehicle, of any of the following:

8 (A) (1) An offense listed in Article 12 of Section
9 11 of this Code. subsection-(j)-of-Section-6-514-of--this
10 Code.

11 (2)--Section-11-1201-of-this-Code.

12 -(3)--Section-11-1201.1-of-this-Code.

13 -(4)--Section-11-1202-of-this-Code.

14 -(5)--Section-11-1203-of-this-Code.

15 -(6)--92--Illinois--Administrative--Code-392.10.

16 -(7)--92--Illinois--Administrative--Code-392.11.

17 (B) (8) Any local--ordinance-that-is other similar
18 violation of the law or local ordinance of any state
19 relating to railroad-highway grade crossing that the
20 Secretary of State determines by administrative rule to
21 be serious. to-any-of-items-(1)-through-(7).

22 (26) Serious Traffic Violation. "Serious traffic
23 violation" means:

24 (A) (a) a conviction when operating a commercial
25 motor vehicle of:

26 (i) a violation relating to excessive
27 speeding, involving a single speeding charge of 15
28 miles per hour or more above the legal speed limit;
29 or

30 (ii) a violation relating to reckless driving;
31 or

32 (iii) a violation of any State law or local
33 ordinance relating to motor vehicle traffic control
34 (other than parking violations) arising in

1 connection with a fatal traffic accident; or

2 (iv) a violation of Section 6-501, relating to
3 having multiple driver's licenses; or

4 (v) a violation of paragraph (a), of Section
5 6-507, relating to the requirement to have a valid
6 CDL; or

7 (vi) a violation relating to improper or
8 erratic traffic lane changes; or

9 (vii) a violation relating to following
10 another vehicle too closely; or

11 (B) ~~(b)~~ any other similar violation of a law or
12 local ordinance of any state relating to motor vehicle
13 traffic control, other than a parking violation, which
14 the Secretary of State determines by administrative rule
15 to be serious.

16 (27) State. "State" means a state of the United States,
17 the District of Columbia and any province or territory of
18 Canada.

19 (28) (Blank).

20 (29) (Blank).

21 (30) (Blank).

22 (31) (Blank).

23 (Source: P.A. 92-249, eff. 1-1-02; revised 9-19-01.)

24 (625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)

25 Sec. 6-506. Commercial motor vehicle driver -
26 employer/owner responsibilities.

27 (a) No employer or commercial motor vehicle owner shall
28 knowingly allow, permit, or authorize an employee to drive a
29 commercial motor vehicle on the highways during any period in
30 which such employee:

31 (1) has a driver's license suspended, revoked or
32 cancelled by any state; or

33 (2) has lost the privilege to drive a commercial

1 motor vehicle in any state; or

2 (3) has been disqualified from driving a commercial
3 motor vehicle; or

4 (4) has more than one driver's license, except as
5 provided by this UCCLA; or

6 (5) is subject to or in violation of an
7 "out-of-service" order.

8 (b) No employer or commercial motor vehicle owner shall
9 ~~may~~ knowingly allow, permit, authorize, or require a driver
10 to operate a commercial motor vehicle in violation of any law
11 or regulation pertaining to railroad-highway grade crossings.

12 (c) Any employer convicted of violating subsection (a)
13 of this Section, whether individually or in connection with
14 one or more other persons, or as principal agent, or
15 accessory, shall be guilty of a Class A misdemeanor.

16 (Source: P.A. 92-249, eff. 1-1-02.)

17 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

18 Sec. 6-514. Commercial Driver's License (CDL) -
19 Disqualifications.

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

23 (1) Refusing to submit to or failure to complete a
24 test or tests to determine the driver's blood
25 concentration of alcohol, other drug, or both, while
26 driving a commercial motor vehicle; or

27 (2) Operating a commercial motor vehicle while the
28 alcohol concentration of the person's blood, breath or
29 urine is at least 0.04, or any amount of a drug,
30 substance, or compound in the person's blood or urine
31 resulting from the unlawful use or consumption of
32 cannabis listed in the Cannabis Control Act or a
33 controlled substance listed in the Illinois Controlled

1 Substances Act as indicated by a police officer's sworn
2 report or other verified evidence; or

3 (3) Conviction for a first violation of:

4 (i) Driving a commercial motor vehicle while
5 under the influence of alcohol, or any other drug,
6 or combination of drugs to a degree which renders
7 such person incapable of safely driving; or

8 (ii) Knowingly and wilfully leaving the scene
9 of an accident while operating a commercial motor
10 vehicle; or

11 (iii) Driving a commercial motor vehicle while
12 committing any felony.

13 If any of the above violations or refusals occurred
14 while transporting hazardous material(s) required to be
15 placarded, the person shall be disqualified for a period
16 of not less than 3 years.

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

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

27 (d) The Secretary of State may, when the United States
28 Secretary of Transportation so authorizes, issue regulations
29 in which a disqualification for life under paragraph (b) may
30 be reduced to a period of not less than 10 years. If a
31 reinstated driver is subsequently convicted of another
32 disqualifying offense, as specified in subsection (a) of this
33 Section, he or she shall be permanently disqualified for life
34 and shall be ineligible to again apply for a reduction of the

1 lifetime disqualification.

2 (e) A person is disqualified from driving a commercial
3 motor vehicle for a period of not less than 2 months if
4 convicted of 2 serious traffic violations, committed in a
5 commercial motor vehicle, arising from separate incidents,
6 occurring within a 3 year period. However, a person will be
7 disqualified from driving a commercial motor vehicle for a
8 period of not less than 4 months if convicted of 3 serious
9 traffic violations, committed in a commercial motor vehicle,
10 arising from separate incidents, occurring within a 3 year
11 period.

12 (f) Notwithstanding any other provision of this Code,
13 any driver disqualified from operating a commercial motor
14 vehicle, pursuant to this UCCLA, shall not be eligible for
15 restoration of commercial driving privileges during any such
16 period of disqualification.

17 (g) After suspending, revoking, or cancelling a
18 commercial driver's license, the Secretary of State must
19 update the driver's records to reflect such action within 10
20 days. After suspending or revoking the driving privilege of
21 any person who has been issued a CDL or commercial driver
22 instruction permit from another jurisdiction, the Secretary
23 shall originate notification to such issuing jurisdiction
24 within 10 days.

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

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

31 (1) For 6 months upon a first conviction of
32 paragraph (2) of subsection (b) of Section 6-507 of this
33 Code.

34 (2) For one year upon a second conviction of

1 paragraph (2) of subsection (b) of Section 6-507 of this
2 Code within a 10-year period.

3 (3) For 3 years upon a third or subsequent
4 conviction of paragraph (2) of subsection (b) of Section
5 6-507 of this Code within a 10-year period.

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

9 (5) For 3 years upon a second conviction of
10 paragraph (3) of subsection (b) of Section 6-507 of this
11 Code within a 10-year period.

12 (6) For 5 years upon a third or subsequent
13 conviction of paragraph (3) of subsection (b) of Section
14 6-507 of this Code within a 10-year period.

15 (j) (1) A driver shall be disqualified for the
16 applicable period specified in paragraph (2) for any
17 conviction ~~violation~~ of a federal, State, or local law or
18 regulation pertaining to one of the following offenses at a
19 railroad-highway grade crossing while operating a commercial
20 motor vehicle:

21 (i) For drivers who are not always required to
22 stop, failing to slow down and check that the tracks
23 are clear of an approaching train.

24 (ii) For drivers who are not always required
25 to stop, failing to stop before reaching the
26 crossing, if the tracks are not clear.

27 (iii) For drivers who are always required to
28 stop, failing to stop before driving onto the
29 crossing.

30 (iv) For all drivers, failing to have
31 sufficient space to drive completely through the
32 crossing without stopping.

33 (v) For all drivers, failing to obey a traffic
34 control device or the directions of an enforcement

1 official at the crossing.

2 (vi) For all drivers, failing to negotiate a
3 crossing because of insufficient undercarriage
4 clearance.

5 (2) A person shall be disqualified from driving a
6 commercial motor vehicle for a conviction of a
7 railroad-highway grade crossing violation in accordance with
8 the following:

9 (i) For 60 days upon a first conviction of
10 paragraph (1) of subsection (i) of Section 6-514 of
11 this Code.

12 (ii) For 120 days upon a second conviction for
13 separate incidents of paragraph (1) of subsection
14 (i) of this Section within a 3-year period.

15 (iii) For one year upon a third or subsequent
16 conviction of separate incidents of paragraph (1) of
17 subsection (i) of this Section within a 3-year
18 period.

19 ~~(2) --The length of the disqualification shall be:~~

20 ~~(i) --Not less than 60 days in the case of a~~
21 ~~conviction for any of the offenses described in~~
22 ~~paragraph (1) if the person had no convictions for~~
23 ~~any of the offenses described in paragraph (1)~~
24 ~~during the 3-year period immediately preceding the~~
25 ~~conviction.~~

26 ~~(ii) --Not less than 120 days in the case of a~~
27 ~~conviction for any of the offenses described in~~
28 ~~paragraph (1) if the person had one conviction for~~
29 ~~any of the offenses described in paragraph (1)~~
30 ~~during the 3-year period immediately preceding the~~
31 ~~conviction.~~

32 ~~(iii) --Not less than one year in the case of a~~
33 ~~conviction for any of the offenses described in~~
34 ~~paragraph (1) if the person had 2 or more~~

1 convictions, based on separate incidents, for any of
2 the offenses described in paragraph (1) during the
3 3-year period immediately preceding the conviction.

4 (Source: P.A. 92-249, eff. 1-1-02.)

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

8 (a) Whenever any person driving a vehicle approaches a
9 railroad grade crossing where the driver is not always
10 required to stop, the such person must exercise due care and
11 caution as the existence of a railroad track across a highway
12 is a warning of danger, and under any of the circumstances
13 stated in this Section, the driver shall stop within 50 feet
14 but not less than 15 feet from the nearest rail of the
15 railroad and shall not proceed until the tracks are clear and
16 he or she can do so safely. The foregoing requirements shall
17 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 (a-5) Whenever a person driving a vehicle approaches a
33 railroad grade crossing where the driver is not always

1 required to stop but must slow down, the person must exercise
2 due care and caution as the existence of a railroad track
3 across a highway is a warning of danger, and under any of the
4 circumstances stated in this Section, the driver shall slow
5 down within 50 feet but not less than 15 feet from the
6 nearest rail of the railroad and shall not proceed until he
7 or she checks that the tracks are clear of an approaching
8 train.

9 (b) No person shall drive any vehicle through, around or
10 under any crossing gate or barrier at a railroad crossing
11 while such gate or barrier is closed or is being opened or
12 closed.

13 (c) The Department, and local authorities with the
14 approval of the Department, are hereby authorized to
15 designate particularly dangerous highway grade crossings of
16 railroads and to erect stop signs thereat. When such stop
17 signs are erected the driver of any vehicle shall stop within
18 50 feet but not less than 15 feet from the nearest rail of
19 such railroad and shall proceed only upon exercising due
20 care.

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

1 of the driver's failure to yield right-of-way.

2 (d-5) No person shall may drive any vehicle through a
3 railroad-highway grade railread crossing if there is
4 insufficient space to drive completely through the crossing
5 without stopping.

6 (e) It is unlawful to violate any part of this Section.
7 A first conviction of a person for a violation of any part of
8 this Section shall result in a mandatory fine of \$250; all
9 subsequent convictions of that person for any violation of
10 any part of this Section shall each result in a mandatory
11 fine of \$500.

12 (f) Corporate authorities of municipal corporations
13 regulating operators of vehicles that fail to obey signals
14 indicating the presence, approach, passage, or departure of a
15 train shall impose fines as established in subsection (e) of
16 this Section.

17 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02;
18 revised 9-19-01)

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