

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 any combination thereof, ~~or both,~~ or submission  
21 to such a test or tests indicating an alcohol concentration  
22 of 0.08 or more as 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, ~~and~~  
 19 methanol, ~~and~~ 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 violation, while operating a commercial motor vehicle, of any  
7 of the following:

8 (A) Section 11-1201, 11-1202, or 11-1425 of this  
9 Code. (1)--An offense listed in subsection (j) of Section  
10 6-514 of this 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 law or local ordinance of any state relating to  
19 railroad-highway grade crossing. to--any--of--items--(1)  
20 through-(7).

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

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

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

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

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

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

3 (v) a violation of paragraph (a)7 of Section  
4 6-507, relating to the requirement to have a valid  
5 CDL; or

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

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

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

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

18 (28) (Blank).

19 (29) (Blank).

20 (30) (Blank).

21 (31) (Blank).

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

23 (625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)  
24 Sec. 6-506. Commercial motor vehicle driver -  
25 employer/owner responsibilities.

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

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

32 (2) has lost the privilege to drive a commercial  
33 motor vehicle in any state; or

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

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

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

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

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

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

16 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)  
17 Sec. 6-514. Commercial Driver's License (CDL) -  
18 Disqualifications.

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

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

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

1 report or other verified evidence; or

2 (3) Conviction for a first violation of:

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

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

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

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

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

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

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

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

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

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

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

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

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

33               (2) For one year upon a second conviction of  
34 paragraph (2) of subsection (b) of Section 6-507 of this

1 Code within a 10-year period.

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

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

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

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

14 (j) Disqualification for railroad-highway grade crossing  
15 violation.

16 (1) General rule. A driver who is convicted of a  
17 violation of a federal, State, or local law or regulation  
18 pertaining to one of the following 6 offenses at a  
19 railroad-highway grade crossing must be disqualified from  
20 operating a commercial motor vehicle for the period of  
21 time specified in paragraph (2) of this subsection (j) if  
22 the offense was committed while operating a commercial  
23 motor vehicle:

24 (i) For drivers who are not required to always  
25 stop, failing to slow down and check that the tracks  
26 are clear of an approaching train, as described in  
27 subsection (a-5) of Section 11-1201 of this Code;

28 (ii) For drivers who are not required to  
29 always stop, failing to stop before reaching the  
30 crossing, if the tracks are not clear, as described  
31 in subsection (a) of Section 11-1201 of this Code;

32 (iii) For drivers who are always required to  
33 stop, failing to stop before driving onto the  
34 crossing, as described in Section 11-1202 of this

1 Code;

2 (iv) For all drivers, failing to have  
3 sufficient space to drive completely through the  
4 crossing without stopping, as described in  
5 subsection (b) of Section 11-1425 of this Code;

6 (v) For all drivers, failing to obey a traffic  
7 control device or the directions of an enforcement  
8 official at the crossing, as described in  
9 subdivision (a)2 of Section 11-1201 of this Code;

10 (vi) For all drivers, failing to negotiate a  
11 crossing because of insufficient undercarriage  
12 clearance, as described in subsection (d-1) of  
13 Section 11-1201 of this Code.

14 (2) Duration of disqualification for  
15 railroad-highway grade crossing violation.

16 (i) First violation. A driver must be  
17 disqualified from operating a commercial motor  
18 vehicle for not less than 60 days if the driver is  
19 convicted of a violation described in paragraph (1)  
20 of this subsection (j) and, in the three-year period  
21 preceding the conviction, the driver had no  
22 convictions for a violation described in paragraph  
23 (1) of this subsection (j).

24 (ii) Second violation. A driver must be  
25 disqualified from operating a commercial motor  
26 vehicle for not less than 120 days if the driver is  
27 convicted of a violation described in paragraph (1)  
28 of this subsection (j) and, in the three-year period  
29 preceding the conviction, the driver had one other  
30 conviction for a violation described in paragraph  
31 (1) of this subsection (j) that was committed in a  
32 separate incident.

33 (iii) Third or subsequent violation. A driver  
34 must be disqualified from operating a commercial

1           motor vehicle for not less than one year if the  
 2           driver is convicted of a violation described in  
 3           paragraph (1) of this subsection (j) and, in the  
 4           three-year period preceding the conviction, the  
 5           driver had 2 or more other convictions for  
 6           violations described in paragraph (1) of this  
 7           subsection (j) that were committed in separate  
 8           incidents.

9           (j)-(1)--A--driver--shall--be--disqualified--for--the  
 10          applicable--period--specified--in--paragraph--(2)--for--any  
 11          violation--of--a--federal,--State,--or--local--law--or--regulation  
 12          pertaining--to--one--of--the--following--offenses--at--a  
 13          railroad-highway--grade-crossing-while-operating-a-commercial  
 14          motor-vehicle:

15                   (i)--For-drivers-who-are-not-always-required-to  
 16                   stop,--failing-to-slow-down-and-check-that-the-tracks  
 17                   are-clear-of-an-approaching-train.

18                   (ii)--For-drivers-who-are-not--always--required  
 19                   to--stop,--failing--to--stop--before--reaching--the  
 20                   crossing,--if-the-tracks-are-not-clear.

21                   (iii)--For-drivers-who-are-always--required--to  
 22                   stop,--failing--to--stop--before--driving--onto--the  
 23                   crossing.

24                   (iv)--For--all--drivers,--failing--to--have  
 25                   sufficient-space-to-drive--completely--through--the  
 26                   crossing-without-stopping.

27                   (v)--For-all-drivers,--failing-to-obey-a-traffic  
 28                   control--device--or-the-directions-of-an-enforcement  
 29                   official-at-the-crossing.

30                   (vi)--For-all-drivers,--failing-to--negotiate--a  
 31                   crossing--because--of--insufficient--undercarriage  
 32                   clearance.

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

34                   (i)--Not-less-than-60-days-in--the--case--of--a

1 conviction--for--any--of--the--offenses--described--in  
2 paragraph--(1)--if--the--person--had--no--convictions--for  
3 any--of--the--offenses--described--in--paragraph--(1)  
4 during--the--3--year--period--immediately--preceding--the  
5 conviction.

6 (ii)--Not--less--than--120--days--in--the--case--of--a  
7 conviction--for--any--of--the--offenses--described--in  
8 paragraph--(1)--if--the--person--had--one--conviction--for  
9 any--of--the--offenses--described--in--paragraph--(1)  
10 during--the--3--year--period--immediately--preceding--the  
11 conviction.

12 (iii)--Not--less--than--one--year--in--the--case--of--a  
13 conviction--for--any--of--the--offenses--described--in  
14 paragraph--(1)--if--the--person--had--2--or--more  
15 convictions, based on separate incidents, for any of  
16 the--offenses--described--in--paragraph--(1)--during--the  
17 3--year--period--immediately--preceding--the--conviction.

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

19 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)  
20 Sec. 11-1201. Obedience to signal indicating approach of  
21 train.

22 (a) Whenever any person driving a vehicle approaches a  
23 railroad grade crossing where the driver is not always  
24 required to stop, the such person must exercise due care and  
25 caution as the existence of a railroad track across a highway  
26 is a warning of danger, and under any of the circumstances  
27 stated in this Section, the driver shall stop within 50 feet  
28 but not less than 15 feet from the nearest rail of the  
29 railroad and shall not proceed until the tracks are clear and  
30 he or she can do so safely. The foregoing requirements shall  
31 apply when:

32 1. A clearly visible electric or mechanical signal  
33 device gives warning of the immediate approach of a

1 railroad train;

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

5 3. A railroad train approaching a highway crossing  
6 emits a warning signal and such railroad train, by reason  
7 of its speed or nearness to such crossing, is an  
8 immediate hazard;

9 4. An approaching railroad train is plainly visible  
10 and is in hazardous proximity to such crossing;

11 5. A railroad train is approaching so closely that  
12 an immediate hazard is created.

13 (a-5) Whenever a person driving a vehicle approaches a  
14 railroad grade crossing where the driver is not always  
15 required to stop but must slow down, the person must exercise  
16 due care and caution as the existence of a railroad track  
17 across a highway is a warning of danger, and under any of the  
18 circumstances stated in this Section, the driver shall slow  
19 down within 50 feet but not less than 15 feet from the  
20 nearest rail of the railroad and shall not proceed until he  
21 or she checks that the tracks are clear of an approaching  
22 train.

23 (b) No person shall drive any vehicle through, around or  
24 under any crossing gate or barrier at a railroad crossing  
25 while such gate or barrier is closed or is being opened or  
26 closed.

27 (c) The Department, and local authorities with the  
28 approval of the Department, are hereby authorized to  
29 designate particularly dangerous highway grade crossings of  
30 railroads and to erect stop signs thereat. When such stop  
31 signs are erected the driver of any vehicle shall stop within  
32 50 feet but not less than 15 feet from the nearest rail of  
33 such railroad and shall proceed only upon exercising due  
34 care.

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

16 (d-1) No person shall, while driving a commercial motor  
17 vehicle, fail to negotiate a railroad-highway grade railroad  
18 crossing because of insufficient undercarriage clearance.

19 ~~(d-5) (Blank). No person may drive any vehicle through a~~  
20 ~~railroad crossing if there is insufficient space to drive~~  
21 ~~completely through the crossing without stopping.~~

22 (e) It is unlawful to violate any part of this Section.  
23 A first conviction of a person for a violation of any part of  
24 this Section shall result in a mandatory fine of \$250; all  
25 subsequent convictions of that person for any violation of  
26 any part of this Section shall each result in a mandatory  
27 fine of \$500.

28 (f) Corporate authorities of municipal corporations  
29 regulating operators of vehicles that fail to obey signals  
30 indicating the presence, approach, passage, or departure of a  
31 train shall impose fines as established in subsection (e) of  
32 this Section.

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

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.