

1 AN ACT concerning transportation.

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 changing  
5 Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,  
8 other drug or drugs, intoxicating compound or compounds or any  
9 combination thereof.

10 (a) A person shall not drive or be in actual physical  
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood,  
13 other bodily substance, or breath is 0.08 or more based on  
14 the definition of blood and breath units in Section  
15 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or  
18 combination of intoxicating compounds to a degree that  
19 renders the person incapable of driving safely;

20 (4) under the influence of any other drug or  
21 combination of drugs to a degree that renders the person  
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other drug

1 or drugs, or intoxicating compound or compounds to a degree  
2 that renders the person incapable of safely driving;

3 (6) there is any amount of a drug, substance, or  
4 compound in the person's breath, blood, other bodily  
5 substance, or urine resulting from the unlawful use or  
6 consumption of a controlled substance listed in the  
7 Illinois Controlled Substances Act, an intoxicating  
8 compound listed in the Use of Intoxicating Compounds Act,  
9 or methamphetamine as listed in the Methamphetamine  
10 Control and Community Protection Act; or

11 (7) the person has, within 2 hours of driving or being  
12 in actual physical control of a vehicle, a  
13 tetrahydrocannabinol concentration in the person's whole  
14 blood or other bodily substance as defined in paragraph 6  
15 of subsection (a) of Section 11-501.2 of this Code. Subject  
16 to all other requirements and provisions under this  
17 Section, this paragraph (7) does not apply to the lawful  
18 consumption of cannabis by a qualifying patient licensed  
19 under the Compassionate Use of Medical Cannabis Pilot  
20 Program Act who is in possession of a valid registry card  
21 issued under that Act, unless that person is impaired by  
22 the use of cannabis.

23 (b) The fact that any person charged with violating this  
24 Section is or has been legally entitled to use alcohol,  
25 cannabis under the Compassionate Use of Medical Cannabis Pilot  
26 Program Act, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof, shall not constitute a  
2 defense against any charge of violating this Section.

3 (c) Penalties.

4 (1) Except as otherwise provided in this Section, any  
5 person convicted of violating subsection (a) of this  
6 Section is guilty of a Class A misdemeanor.

7 (2) A person who violates subsection (a) or a similar  
8 provision a second time shall be sentenced to a mandatory  
9 minimum term of either 5 days of imprisonment or 240 hours  
10 of community service in addition to any other criminal or  
11 administrative sanction.

12 (3) A person who violates subsection (a) is subject to  
13 6 months of imprisonment, an additional mandatory minimum  
14 fine of \$1,000, and 25 days of community service in a  
15 program benefiting children if the person was transporting  
16 a person under the age of 16 at the time of the violation.

17 (4) A person who violates subsection (a) a first time,  
18 if the alcohol concentration in his or her blood, breath,  
19 other bodily substance, or urine was 0.16 or more based on  
20 the definition of blood, breath, other bodily substance, or  
21 urine units in Section 11-501.2, shall be subject, in  
22 addition to any other penalty that may be imposed, to a  
23 mandatory minimum of 100 hours of community service and a  
24 mandatory minimum fine of \$500.

25 (5) A person who violates subsection (a) a second time,  
26 if at the time of the second violation the alcohol

1 concentration in his or her blood, breath, other bodily  
2 substance, or urine was 0.16 or more based on the  
3 definition of blood, breath, other bodily substance, or  
4 urine units in Section 11-501.2, shall be subject, in  
5 addition to any other penalty that may be imposed, to a  
6 mandatory minimum of 2 days of imprisonment and a mandatory  
7 minimum fine of \$1,250.

8 (d) Aggravated driving under the influence of alcohol,  
9 other drug or drugs, or intoxicating compound or compounds, or  
10 any combination thereof.

11 (1) Every person convicted of committing a violation of  
12 this Section shall be guilty of aggravated driving under  
13 the influence of alcohol, other drug or drugs, or  
14 intoxicating compound or compounds, or any combination  
15 thereof if:

16 (A) the person committed a violation of subsection  
17 (a) or a similar provision for the third or subsequent  
18 time;

19 (B) the person committed a violation of subsection  
20 (a) while driving a school bus with one or more  
21 passengers on board;

22 (C) the person in committing a violation of  
23 subsection (a) was involved in a motor vehicle accident  
24 that resulted in great bodily harm or permanent  
25 disability or disfigurement to another, when the  
26 violation was a proximate cause of the injuries;

1 (D) the person committed a violation of subsection  
2 (a) and has been previously convicted of violating  
3 Section 9-3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012 or a similar provision of a law  
5 of another state relating to reckless homicide in which  
6 the person was determined to have been under the  
7 influence of alcohol, other drug or drugs, or  
8 intoxicating compound or compounds as an element of the  
9 offense or the person has previously been convicted  
10 under subparagraph (C) or subparagraph (F) of this  
11 paragraph (1);

12 (E) the person, in committing a violation of  
13 subsection (a) while driving at any speed in a school  
14 speed zone at a time when a speed limit of 20 miles per  
15 hour was in effect under subsection (a) of Section  
16 11-605 of this Code, was involved in a motor vehicle  
17 accident that resulted in bodily harm, other than great  
18 bodily harm or permanent disability or disfigurement,  
19 to another person, when the violation of subsection (a)  
20 was a proximate cause of the bodily harm;

21 (F) the person, in committing a violation of  
22 subsection (a), was involved in a motor vehicle,  
23 snowmobile, all-terrain vehicle, or watercraft  
24 accident that resulted in the death of another person,  
25 when the violation of subsection (a) was a proximate  
26 cause of the death;

1 (G) the person committed a violation of subsection  
2 (a) during a period in which the defendant's driving  
3 privileges are revoked or suspended, where the  
4 revocation or suspension was for a violation of  
5 subsection (a) or a similar provision, Section  
6 11-501.1, paragraph (b) of Section 11-401, or for  
7 reckless homicide as defined in Section 9-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012;

9 (H) the person committed the violation while he or  
10 she did not possess a driver's license or permit or a  
11 restricted driving permit or a judicial driving permit  
12 or a monitoring device driving permit;

13 (I) the person committed the violation while he or  
14 she knew or should have known that the vehicle he or  
15 she was driving was not covered by a liability  
16 insurance policy;

17 (J) the person in committing a violation of  
18 subsection (a) was involved in a motor vehicle accident  
19 that resulted in bodily harm, but not great bodily  
20 harm, to the child under the age of 16 being  
21 transported by the person, if the violation was the  
22 proximate cause of the injury;

23 (K) the person in committing a second violation of  
24 subsection (a) or a similar provision was transporting  
25 a person under the age of 16; or

26 (L) the person committed a violation of subsection

1 (a) of this Section while transporting one or more  
2 passengers in a vehicle for-hire.

3 (M) the person in committing a violation of  
4 subsection (a) of this Section was involved in a motor  
5 vehicle accident that resulted in property damage of  
6 more than \$50,000, if the violation was the proximate  
7 cause of the damage. This subparagraph (M) does not  
8 apply to any damage caused to another motor vehicle.

9 (2) (A) Except as provided otherwise, a person  
10 convicted of aggravated driving under the influence of  
11 alcohol, other drug or drugs, or intoxicating compound or  
12 compounds, or any combination thereof is guilty of a Class  
13 4 felony.

14 (B) A third violation of this Section or a similar  
15 provision is a Class 2 felony. If at the time of the third  
16 violation the alcohol concentration in his or her blood,  
17 breath, other bodily substance, or urine was 0.16 or more  
18 based on the definition of blood, breath, other bodily  
19 substance, or urine units in Section 11-501.2, a mandatory  
20 minimum of 90 days of imprisonment and a mandatory minimum  
21 fine of \$2,500 shall be imposed in addition to any other  
22 criminal or administrative sanction. If at the time of the  
23 third violation, the defendant was transporting a person  
24 under the age of 16, a mandatory fine of \$25,000 and 25  
25 days of community service in a program benefiting children  
26 shall be imposed in addition to any other criminal or

1 administrative sanction.

2 (C) A fourth violation of this Section or a similar  
3 provision is a Class 2 felony, for which a sentence of  
4 probation or conditional discharge may not be imposed. If  
5 at the time of the violation, the alcohol concentration in  
6 the defendant's blood, breath, other bodily substance, or  
7 urine was 0.16 or more based on the definition of blood,  
8 breath, other bodily substance, or urine units in Section  
9 11-501.2, a mandatory minimum fine of \$5,000 shall be  
10 imposed in addition to any other criminal or administrative  
11 sanction. If at the time of the fourth violation, the  
12 defendant was transporting a person under the age of 16 a  
13 mandatory fine of \$25,000 and 25 days of community service  
14 in a program benefiting children shall be imposed in  
15 addition to any other criminal or administrative sanction.

16 (D) A fifth violation of this Section or a similar  
17 provision is a Class 1 felony, for which a sentence of  
18 probation or conditional discharge may not be imposed. If  
19 at the time of the violation, the alcohol concentration in  
20 the defendant's blood, breath, other bodily substance, or  
21 urine was 0.16 or more based on the definition of blood,  
22 breath, other bodily substance, or urine units in Section  
23 11-501.2, a mandatory minimum fine of \$5,000 shall be  
24 imposed in addition to any other criminal or administrative  
25 sanction. If at the time of the fifth violation, the  
26 defendant was transporting a person under the age of 16, a



1 mandatory fine of \$25,000, and 25 days of community service  
2 in a program benefiting children shall be imposed in  
3 addition to any other criminal or administrative sanction.

4 (E) A sixth or subsequent violation of this Section or  
5 similar provision is a Class X felony. If at the time of  
6 the violation, the alcohol concentration in the  
7 defendant's blood, breath, other bodily substance, or  
8 urine was 0.16 or more based on the definition of blood,  
9 breath, other bodily substance, or urine units in Section  
10 11-501.2, a mandatory minimum fine of \$5,000 shall be  
11 imposed in addition to any other criminal or administrative  
12 sanction. If at the time of the violation, the defendant  
13 was transporting a person under the age of 16, a mandatory  
14 fine of \$25,000 and 25 days of community service in a  
15 program benefiting children shall be imposed in addition to  
16 any other criminal or administrative sanction.

17 (F) For a violation of subparagraph (C) of paragraph  
18 (1) of this subsection (d), the defendant, if sentenced to  
19 a term of imprisonment, shall be sentenced to not less than  
20 one year nor more than 12 years.

21 (G) A violation of subparagraph (F) of paragraph (1) of  
22 this subsection (d) is a Class 2 felony, for which the  
23 defendant, unless the court determines that extraordinary  
24 circumstances exist and require probation, shall be  
25 sentenced to: (i) a term of imprisonment of not less than 3  
26 years and not more than 14 years if the violation resulted

1 in the death of one person; or (ii) a term of imprisonment  
2 of not less than 6 years and not more than 28 years if the  
3 violation resulted in the deaths of 2 or more persons.

4 (H) For a violation of subparagraph (J) of paragraph  
5 (1) of this subsection (d), a mandatory fine of \$2,500, and  
6 25 days of community service in a program benefiting  
7 children shall be imposed in addition to any other criminal  
8 or administrative sanction.

9 (I) A violation of subparagraph (K) of paragraph (1) of  
10 this subsection (d), is a Class 2 felony and a mandatory  
11 fine of \$2,500, and 25 days of community service in a  
12 program benefiting children shall be imposed in addition to  
13 any other criminal or administrative sanction. If the child  
14 being transported suffered bodily harm, but not great  
15 bodily harm, in a motor vehicle accident, and the violation  
16 was the proximate cause of that injury, a mandatory fine of  
17 \$5,000 and 25 days of community service in a program  
18 benefiting children shall be imposed in addition to any  
19 other criminal or administrative sanction.

20 (J) A violation of subparagraph (D) of paragraph (1) of  
21 this subsection (d) is a Class 3 felony, for which a  
22 sentence of probation or conditional discharge may not be  
23 imposed.

24 (3) Any person sentenced under this subsection (d) who  
25 receives a term of probation or conditional discharge must  
26 serve a minimum term of either 480 hours of community

1 service or 10 days of imprisonment as a condition of the  
2 probation or conditional discharge in addition to any other  
3 criminal or administrative sanction.

4 (e) Any reference to a prior violation of subsection (a) or  
5 a similar provision includes any violation of a provision of a  
6 local ordinance or a provision of a law of another state or an  
7 offense committed on a military installation that is similar to  
8 a violation of subsection (a) of this Section.

9 (f) The imposition of a mandatory term of imprisonment or  
10 assignment of community service for a violation of this Section  
11 shall not be suspended or reduced by the court.

12 (g) Any penalty imposed for driving with a license that has  
13 been revoked for a previous violation of subsection (a) of this  
14 Section shall be in addition to the penalty imposed for any  
15 subsequent violation of subsection (a).

16 (h) For any prosecution under this Section, a certified  
17 copy of the driving abstract of the defendant shall be admitted  
18 as proof of any prior conviction.

19 (Source: P.A. 98-122, eff. 1-1-14; 98-573, eff. 8-27-13;  
20 98-756, eff. 7-16-14; 99-697, eff. 7-29-16.)