



Rep. Randy Ramey, Jr.

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09700HB5214ham001

LRB097 18776 HEP 67106 a

1 AMENDMENT TO HOUSE BILL 5214

2 AMENDMENT NO. _____. Amend House Bill 5214 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-144.5, 6-206.1, and 6-303, and by adding
6 Section 1-111.9a as follows:

7 (625 ILCS 5/1-111.9a new)

8 Sec. 1-111.9a. Continuous alcohol monitoring device. A
9 device that automatically tests breath, blood, or transdermal
10 alcohol concentration levels at least once every hour and
11 detects tamper attempts, regardless of the location of the
12 person who is being monitored, and regularly transmits the
13 data.

14 (625 ILCS 5/1-144.5)

15 Sec. 1-144.5. Monitoring device driving permit. A permit

1 that allows a person whose driver's license has been summarily
2 suspended under Section 11-501.1 to drive a vehicle, for the
3 applicable period described in Section 6-206.1, if the vehicle
4 is equipped with an ignition interlock device as defined in
5 Section 1-129.1 or if the person wears a continuous alcohol
6 monitoring device as defined in Section 1-111.9a.

7 (Source: P.A. 95-400, eff. 1-1-09.)

8 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

9 Sec. 6-206.1. Monitoring Device Driving Permit.
10 Declaration of Policy. It is hereby declared a policy of the
11 State of Illinois that the driver who is impaired by alcohol,
12 other drug or drugs, or intoxicating compound or compounds is a
13 threat to the public safety and welfare. Therefore, to provide
14 a deterrent to such practice, a statutory summary driver's
15 license suspension is appropriate. It is also recognized that
16 driving is a privilege and therefore, that the granting of
17 driving privileges, in a manner consistent with public safety,
18 is warranted during the period of suspension in the form of a
19 monitoring device driving permit. A person who drives and fails
20 to comply with the requirements of the monitoring device
21 driving permit commits a violation of Section 6-303 of this
22 Code.

23 The following procedures shall apply whenever a first
24 offender, as defined in Section 11-500 of this Code, is
25 arrested for any offense as defined in Section 11-501 or a

1 similar provision of a local ordinance and is subject to the
2 provisions of Section 11-501.1:

3 (a) Upon mailing of the notice of suspension of driving
4 privileges as provided in subsection (h) of Section 11-501.1 of
5 this Code, the Secretary shall also send written notice
6 informing the person that he or she will be issued a monitoring
7 device driving permit (MDDP). The notice shall include, at
8 minimum, information summarizing the procedure to be followed
9 for issuance of the MDDP, installation of the breath alcohol
10 ignition installation device (BAIID) or fitting of the
11 continuous alcohol monitoring device, as provided in this
12 Section, exemption from BAIID installation requirements, and
13 procedures to be followed by those seeking indigent status, as
14 provided in this Section. The notice shall also include
15 information summarizing the procedure to be followed if the
16 person wishes to decline issuance of the MDDP. A copy of the
17 notice shall also be sent to the court of venue together with
18 the notice of suspension of driving privileges, as provided in
19 subsection (h) of Section 11-501. However, a MDDP shall not be
20 issued if the Secretary finds that:

21 (1) The offender's driver's license is otherwise
22 invalid;

23 (2) Death or great bodily harm resulted from the arrest
24 for Section 11-501;

25 (3) The offender has been previously convicted of
26 reckless homicide or aggravated driving under the

1 influence involving death; or

2 (4) The offender is less than 18 years of age.

3 Any offender participating in the MDDP program must pay the
4 Secretary a MDDP Administration Fee in an amount not to exceed
5 \$30 per month, to be deposited into the Monitoring Device
6 Driving Permit Administration Fee Fund. The Secretary shall
7 establish by rule the amount and the procedures, terms, and
8 conditions relating to these fees. The offender must have an
9 ignition interlock device installed or be fitted with a
10 continuous alcohol monitoring device within 14 days of the date
11 the Secretary issues the MDDP. The ignition interlock device or
12 continuous alcohol monitoring device provider must notify the
13 Secretary, in a manner and form prescribed by the Secretary, of
14 the installation or fitting. If the Secretary does not receive
15 notice of installation or fitting, the Secretary shall cancel
16 the MDDP.

17 A MDDP shall not become effective prior to the 31st day of
18 the original statutory summary suspension.

19 Upon receipt of the notice, as provided in paragraph (a) of
20 this Section, the person may file a petition to decline
21 issuance of the MDDP with the court of venue. The court shall
22 admonish the offender of all consequences of declining issuance
23 of the MDDP including, but not limited to, the enhanced
24 penalties for driving while suspended. After being so
25 admonished, the offender shall be permitted, in writing, to
26 execute a notice declining issuance of the MDDP. This notice

1 shall be filed with the court and forwarded by the clerk of the
2 court to the Secretary. The offender may, at any time
3 thereafter, apply to the Secretary for issuance of a MDDP.

4 (a-1) A person issued a MDDP may drive for any purpose and
5 at any time, subject to the rules adopted by the Secretary
6 under subsection (g). The person must, at his or her own
7 expense, wear on his or her ankle a continuous alcohol
8 monitoring device as defined in Section 1-111.9a or drive only
9 vehicles equipped with an ignition interlock device as defined
10 in Section 1-129.1, but in no event shall such person drive a
11 commercial motor vehicle.

12 (a-2) Persons who are issued a MDDP and must drive
13 employer-owned vehicles in the course of their employment
14 duties may seek permission to drive an employer-owned vehicle
15 that does not have an ignition interlock device. The employer
16 shall provide to the Secretary a form, as prescribed by the
17 Secretary, completed by the employer verifying that the
18 employee must drive an employer-owned vehicle in the course of
19 employment. If approved by the Secretary, the form must be in
20 the driver's possession while operating an employer-owner
21 vehicle not equipped with an ignition interlock device. No
22 person may use this exemption to drive a school bus, school
23 vehicle, or a vehicle designed to transport more than 15
24 passengers. No person may use this exemption to drive an
25 employer-owned motor vehicle that is owned by an entity that is
26 wholly or partially owned by the person holding the MDDP, or by

1 a family member of the person holding the MDDP. No person may
2 use this exemption to drive an employer-owned vehicle that is
3 made available to the employee for personal use. No person may
4 drive the exempted vehicle more than 12 hours per day, 6 days
5 per week.

6 (a-3) Persons who are issued a MDDP and who must drive a
7 farm tractor to and from a farm, within 50 air miles from the
8 originating farm are exempt from installation of a BAIID on the
9 farm tractor, so long as the farm tractor is being used for the
10 exclusive purpose of conducting farm operations.

11 (b) (Blank).

12 (c) (Blank).

13 (c-1) If the holder of the MDDP is convicted of or receives
14 court supervision for a violation of Section 6-206.2, 6-303,
15 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
16 provision of a local ordinance or a similar out-of-state
17 offense or is convicted of or receives court supervision for
18 any offense for which alcohol or drugs is an element of the
19 offense and in which a motor vehicle was involved (for an
20 arrest other than the one for which the MDDP is issued), or
21 de-installs the BAIID or removes the continuous alcohol
22 monitoring device without prior authorization from the
23 Secretary, the MDDP shall be cancelled.

24 (c-5) If the Secretary determines that the person seeking
25 the MDDP is indigent, the Secretary shall provide the person
26 with a written document as evidence of that determination, and

1 the person shall provide that written document to an ignition
2 interlock device provider. The provider shall install an
3 ignition interlock device on that person's vehicle without
4 charge to the person, and seek reimbursement from the Indigent
5 BAIID Fund. If the Secretary has deemed an offender indigent,
6 the BAIID provider shall also provide the normal monthly
7 monitoring services and the de-installation without charge to
8 the offender and seek reimbursement from the Indigent BAIID
9 Fund. Any other monetary charges, such as a lockout fee or
10 reset fee, shall be the responsibility of the MDDP holder. A
11 BAIID provider may not seek a security deposit from the
12 Indigent BAIID Fund. Nothing in this subsection (c-5) gives a
13 person who is indigent the right to be fitted with a continuous
14 alcohol monitoring device without payment of fees.

15 (d) MDDP information shall be available only to the courts,
16 police officers, and the Secretary, except during the actual
17 period the MDDP is valid, during which time it shall be a
18 public record.

19 (e) (Blank).

20 (f) (Blank).

21 (g) The Secretary shall adopt rules for implementing this
22 Section. The rules adopted shall address issues including, but
23 not limited to: compliance with the requirements of the MDDP;
24 methods for determining compliance with those requirements;
25 the consequences of noncompliance with those requirements;
26 what constitutes a violation of the MDDP; methods for

1 determining indigency; and the duties of a person or entity
2 that supplies the ignition interlock device or continuous
3 alcohol monitoring device.

4 (h) The rules adopted under subsection (g) shall provide,
5 at a minimum, that the person is not in compliance with the
6 requirements of the MDDP if he or she:

7 (1) tampers or attempts to tamper with or circumvent
8 the proper operation of the ignition interlock device or
9 continuous alcohol monitoring device;

10 (2) provides valid breath samples that register blood
11 alcohol levels in excess of the number of times allowed
12 under the rules;

13 (3) fails to provide evidence sufficient to satisfy the
14 Secretary that the ignition interlock device has been
15 installed in the designated vehicle or vehicles or that the
16 person has been fitted with a continuous alcohol monitoring
17 device; or

18 (4) fails to follow any other applicable rules adopted
19 by the Secretary.

20 (i) Any person or entity that supplies an ignition
21 interlock device as provided under this Section shall, in
22 addition to supplying only those devices which fully comply
23 with all the rules adopted under subsection (g), provide the
24 Secretary, within 7 days of inspection, all monitoring reports
25 of each person who has had an ignition interlock device
26 installed. These reports shall be furnished in a manner or form

1 as prescribed by the Secretary.

2 (i) A person or entity that supplies a continuous alcohol
3 monitoring device as provided under this Section shall, in
4 addition to supplying only those devices which fully comply
5 with all the rules adopted under subsection (g), provide the
6 Secretary, within 7 days of inspection, all monitoring reports
7 of each person who has been fitted with a continuous alcohol
8 monitoring device. These reports shall be furnished in a manner
9 or form as prescribed by the Secretary.

10 (j) Upon making a determination that a violation of the
11 requirements of the MDDP has occurred, the Secretary shall
12 extend the summary suspension period for an additional 3 months
13 beyond the originally imposed summary suspension period,
14 during which time the person shall only be allowed to drive
15 while fitted with a continuous alcohol monitoring device or
16 drive vehicles equipped with an ignition interlock device;
17 provided further there are no limitations on the total number
18 of times the summary suspension may be extended. The Secretary
19 may, however, limit the number of extensions imposed for
20 violations occurring during any one monitoring period, as set
21 forth by rule. Any person whose summary suspension is extended
22 pursuant to this Section shall have the right to contest the
23 extension through a hearing with the Secretary, pursuant to
24 Section 2-118 of this Code. If the summary suspension has
25 already terminated prior to the Secretary receiving the
26 monitoring report that shows a violation, the Secretary shall

1 be authorized to suspend the person's driving privileges for 3
2 months, provided that the Secretary may, by rule, limit the
3 number of suspensions to be entered pursuant to this paragraph
4 for violations occurring during any one monitoring period. Any
5 person whose license is suspended pursuant to this paragraph,
6 after the summary suspension had already terminated, shall have
7 the right to contest the suspension through a hearing with the
8 Secretary, pursuant to Section 2-118 of this Code. The only
9 permit the person shall be eligible for during this new
10 suspension period is a MDDP.

11 (k) A person who has had his or her summary suspension
12 extended for the third time, or has any combination of 3
13 extensions and new suspensions, entered as a result of a
14 violation that occurred while holding the MDDP, so long as the
15 extensions and new suspensions relate to the same summary
16 suspension, shall have his or her vehicle impounded for a
17 period of 30 days, at the person's own expense. A person who
18 has his or her summary suspension extended for the fourth time,
19 or has any combination of 4 extensions and new suspensions,
20 entered as a result of a violation that occurred while holding
21 the MDDP, so long as the extensions and new suspensions relate
22 to the same summary suspension, shall have his or her vehicle
23 subject to seizure and forfeiture. The Secretary shall notify
24 the prosecuting authority of any third or fourth extensions or
25 new suspension entered as a result of a violation that occurred
26 while the person held a MDDP. Upon receipt of the notification,

1 the prosecuting authority shall impound or forfeit the vehicle.
2 The impoundment or forfeiture of a vehicle shall be conducted
3 pursuant to the procedure specified in Article 36 of the
4 Criminal Code of 1961.

5 (l) A person whose driving privileges have been suspended
6 under Section 11-501.1 of this Code and who had a MDDP that was
7 cancelled, or would have been cancelled had notification of a
8 violation been received prior to expiration of the MDDP,
9 pursuant to subsection (c-1) of this Section, shall not be
10 eligible for reinstatement when the summary suspension is
11 scheduled to terminate. Instead, the person's driving
12 privileges shall be suspended for a period of not less than
13 twice the original summary suspension period, or for the length
14 of any extensions entered under subsection (j), whichever is
15 longer. During the period of suspension, the person shall be
16 eligible only to apply for a restricted driving permit. If a
17 restricted driving permit is granted, the offender may only
18 operate vehicles equipped with a BAIID in accordance with this
19 Section.

20 (m) Any person or entity that supplies an ignition
21 interlock device under this Section shall, for each ignition
22 interlock device installed, pay 5% of the total gross revenue
23 received for the device, including monthly monitoring fees,
24 into the Indigent BAIID Fund. This 5% shall be clearly
25 indicated as a separate surcharge on each invoice that is
26 issued. The Secretary shall conduct an annual review of the

1 fund to determine whether the surcharge is sufficient to
2 provide for indigent users. The Secretary may increase or
3 decrease this surcharge requirement as needed.

4 (n) Any person or entity that supplies an ignition
5 interlock device under this Section that is requested to
6 provide an ignition interlock device to a person who presents
7 written documentation of indigency from the Secretary, as
8 provided in subsection (c-5) of this Section, shall install the
9 device on the person's vehicle without charge to the person and
10 shall seek reimbursement from the Indigent BAIID Fund.

11 (o) The Indigent BAIID Fund is created as a special fund in
12 the State treasury. The Secretary shall, subject to
13 appropriation by the General Assembly, use all money in the
14 Indigent BAIID Fund to reimburse ignition interlock device
15 providers who have installed devices in vehicles of indigent
16 persons. The Secretary shall make payments to such providers
17 every 3 months. If the amount of money in the fund at the time
18 payments are made is not sufficient to pay all requests for
19 reimbursement submitted during that 3 month period, the
20 Secretary shall make payments on a pro-rata basis, and those
21 payments shall be considered payment in full for the requests
22 submitted.

23 (p) The Monitoring Device Driving Permit Administration
24 Fee Fund is created as a special fund in the State treasury.
25 The Secretary shall, subject to appropriation by the General
26 Assembly, use the money paid into this fund to offset its

1 administrative costs for administering MDDPs.

2 (q) The Secretary is authorized to prescribe such forms as
3 it deems necessary to carry out the provisions of this Section.
4 (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11;
5 97-229; eff. 7-28-11; revised 10-4-11.)

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Except as otherwise provided in subsection (a-5), any
10 person who drives or is in actual physical control of a motor
11 vehicle on any highway of this State at a time when such
12 person's driver's license, permit or privilege to do so or the
13 privilege to obtain a driver's license or permit is revoked or
14 suspended as provided by this Code or the law of another state,
15 except as may be specifically allowed by a judicial driving
16 permit issued prior to January 1, 2009, monitoring device
17 driving permit, family financial responsibility driving
18 permit, probationary license to drive, or a restricted driving
19 permit issued pursuant to this Code or under the law of another
20 state, shall be guilty of a Class A misdemeanor.

21 (a-5) Any person who violates this Section as provided in
22 subsection (a) while his or her driver's license, permit or
23 privilege is revoked because of a violation of Section 9-3 of
24 the Criminal Code of 1961, relating to the offense of reckless
25 homicide or a similar provision of a law of another state, is

1 guilty of a Class 4 felony. The person shall be required to
2 undergo a professional evaluation, as provided in Section
3 11-501 of this Code, to determine if an alcohol, drug, or
4 intoxicating compound problem exists and the extent of the
5 problem, and to undergo the imposition of treatment as
6 appropriate.

7 (b) (Blank).

8 (b-1) Upon receiving a report of the conviction of any
9 violation indicating a person was operating a motor vehicle
10 during the time when the person's driver's license, permit or
11 privilege was suspended by the Secretary of State or the
12 driver's licensing administrator of another state, except as
13 specifically allowed by a probationary license, judicial
14 driving permit, restricted driving permit or monitoring device
15 driving permit the Secretary shall extend the suspension for
16 the same period of time as the originally imposed suspension
17 unless the suspension has already expired, in which case the
18 Secretary shall be authorized to suspend the person's driving
19 privileges for the same period of time as the originally
20 imposed suspension.

21 (b-2) Except as provided in subsection (b-6), upon
22 receiving a report of the conviction of any violation
23 indicating a person was operating a motor vehicle when the
24 person's driver's license, permit or privilege was revoked by
25 the Secretary of State or the driver's license administrator of
26 any other state, except as specifically allowed by a restricted

1 driving permit issued pursuant to this Code or the law of
2 another state, the Secretary shall not issue a driver's license
3 for an additional period of one year from the date of such
4 conviction indicating such person was operating a vehicle
5 during such period of revocation.

6 (b-3) (Blank).

7 (b-4) When the Secretary of State receives a report of a
8 conviction of any violation indicating a person was operating a
9 motor vehicle that was not equipped with an ignition interlock
10 device during a time when the person was prohibited from
11 operating a motor vehicle not equipped with such a device, the
12 Secretary shall not issue a driver's license to that person for
13 an additional period of one year from the date of the
14 conviction.

15 (b-5) Any person convicted of violating this Section shall
16 serve a minimum term of imprisonment of 30 consecutive days or
17 300 hours of community service when the person's driving
18 privilege was revoked or suspended as a result of a violation
19 of Section 9-3 of the Criminal Code of 1961, as amended,
20 relating to the offense of reckless homicide, or a similar
21 provision of a law of another state.

22 (b-6) Upon receiving a report of a first conviction of
23 operating a motor vehicle while the person's driver's license,
24 permit or privilege was revoked where the revocation was for a
25 violation of Section 9-3 of the Criminal Code of 1961 relating
26 to the offense of reckless homicide or a similar out-of-state

1 offense, the Secretary shall not issue a driver's license for
2 an additional period of three years from the date of such
3 conviction.

4 (c) Except as provided in subsections (c-3) and (c-4), any
5 person convicted of violating this Section shall serve a
6 minimum term of imprisonment of 10 consecutive days or 30 days
7 of community service when the person's driving privilege was
8 revoked or suspended as a result of:

9 (1) a violation of Section 11-501 of this Code or a
10 similar provision of a local ordinance relating to the
11 offense of operating or being in physical control of a
12 vehicle while under the influence of alcohol, any other
13 drug or any combination thereof; or

14 (2) a violation of paragraph (b) of Section 11-401 of
15 this Code or a similar provision of a local ordinance
16 relating to the offense of leaving the scene of a motor
17 vehicle accident involving personal injury or death; or

18 (3) a statutory summary suspension or revocation under
19 Section 11-501.1 of this Code.

20 Such sentence of imprisonment or community service shall
21 not be subject to suspension in order to reduce such sentence.

22 (c-1) Except as provided in subsections (c-5) and (d), any
23 person convicted of a second violation of this Section shall be
24 ordered by the court to serve a minimum of 100 hours of
25 community service.

26 (c-2) In addition to other penalties imposed under this

1 Section, the court may impose on any person convicted a fourth
2 time of violating this Section any of the following:

3 (1) Seizure of the license plates of the person's
4 vehicle.

5 (2) Immobilization of the person's vehicle for a period
6 of time to be determined by the court.

7 (c-3) Any person convicted of a violation of this Section
8 during a period of summary suspension imposed pursuant to
9 Section 11-501.1 when the person was eligible for a MDDP shall
10 be guilty of a Class 4 felony and shall serve a minimum term of
11 imprisonment of 30 days.

12 (c-4) Any person who has been issued a MDDP and who is
13 convicted of a violation of this Section as a result of
14 operating or being in actual physical control of a motor
15 vehicle not equipped with an ignition interlock device or in
16 actual physical control of a vehicle while not fitted with a
17 continuous alcohol monitoring device at the time of the offense
18 shall be guilty of a Class 4 felony and shall serve a minimum
19 term of imprisonment of 30 days.

20 (c-5) Any person convicted of a second violation of this
21 Section is guilty of a Class 2 felony, is not eligible for
22 probation or conditional discharge, and shall serve a mandatory
23 term of imprisonment, if the revocation or suspension was for a
24 violation of Section 9-3 of the Criminal Code of 1961, relating
25 to the offense of reckless homicide, or a similar out-of-state
26 offense.

1 (d) Any person convicted of a second violation of this
2 Section shall be guilty of a Class 4 felony and shall serve a
3 minimum term of imprisonment of 30 days or 300 hours of
4 community service, as determined by the court, if the original
5 revocation or suspension was for a violation of Section 11-401
6 or 11-501 of this Code, or a similar out-of-state offense, or a
7 similar provision of a local ordinance, or a statutory summary
8 suspension or revocation under Section 11-501.1 of this Code.

9 (d-1) Except as provided in subsections (d-2), (d-2.5), and
10 (d-3), any person convicted of a third or subsequent violation
11 of this Section shall serve a minimum term of imprisonment of
12 30 days or 300 hours of community service, as determined by the
13 court.

14 (d-2) Any person convicted of a third violation of this
15 Section is guilty of a Class 4 felony and must serve a minimum
16 term of imprisonment of 30 days if the revocation or suspension
17 was for a violation of Section 11-401 or 11-501 of this Code,
18 or a similar out-of-state offense, or a similar provision of a
19 local ordinance, or a statutory summary suspension or
20 revocation under Section 11-501.1 of this Code.

21 (d-2.5) Any person convicted of a third violation of this
22 Section is guilty of a Class 1 felony, is not eligible for
23 probation or conditional discharge, and must serve a mandatory
24 term of imprisonment if the revocation or suspension was for a
25 violation of Section 9-3 of the Criminal Code of 1961, relating
26 to the offense of reckless homicide, or a similar out-of-state

1 offense. The person's driving privileges shall be revoked for
2 the remainder of the person's life.

3 (d-3) Any person convicted of a fourth, fifth, sixth,
4 seventh, eighth, or ninth violation of this Section is guilty
5 of a Class 4 felony and must serve a minimum term of
6 imprisonment of 180 days if the revocation or suspension was
7 for a violation of Section 11-401 ~~or 11-501~~ of this Code, or a
8 similar out-of-state offense, or a similar provision of a local
9 ordinance, ~~or a statutory summary suspension or revocation~~
10 ~~under Section 11-501.1 of this Code.~~

11 (d-3.3) Any person convicted of a fourth, fifth, sixth,
12 seventh, eighth, or ninth violation of this Section is guilty
13 of a Class 4 felony and must serve a minimum term of
14 imprisonment of 180 days or serve a minimum of 60 days and
15 abstain from consuming alcohol while wearing a continuous
16 alcohol monitoring device to verify compliance for 270 days, if
17 the revocation or suspension was for a violation of Section
18 11-501 of this Code, a similar out-of-state offense, a similar
19 provision of a local ordinance, or a statutory summary
20 suspension under Section 11-501.1 of this Code.

21 (d-3.5) Any person convicted of a fourth or subsequent
22 violation of this Section is guilty of a Class 1 felony, is not
23 eligible for probation or conditional discharge, and must serve
24 a mandatory term of imprisonment, and is eligible for an
25 extended term, if the revocation or suspension was for a
26 violation of Section 9-3 of the Criminal Code of 1961, relating

1 to the offense of reckless homicide, or a similar out-of-state
2 offense.

3 (d-4) Any person convicted of a tenth, eleventh, twelfth,
4 thirteenth, or fourteenth violation of this Section is guilty
5 of a Class 3 felony, and is not eligible for probation or
6 conditional discharge, if the revocation or suspension was for
7 a violation of Section 11-401 ~~or 11-501~~ of this Code, or a
8 similar out-of-state offense, or a similar provision of a local
9 ordinance, ~~or a statutory summary suspension or revocation~~
10 ~~under Section 11-501.1 of this Code.~~

11 (d-4.5) Any person convicted of a tenth, eleventh, twelfth,
12 thirteenth, or fourteenth violation of this Section is guilty
13 of a Class 3 felony, and is not eligible for probation or
14 conditional discharge, if the revocation or suspension was for
15 a violation of Section 11-501 of this Code, a similar
16 out-of-state offense, a similar provision of a local ordinance,
17 or a statutory summary suspension under Section 11-501.1 of
18 this Code. Upon release, the person shall abstain from
19 consuming alcohol and wear a continuous alcohol monitoring
20 device to verify compliance for 365 days.

21 (d-5) Any person convicted of a fifteenth or subsequent
22 violation of this Section is guilty of a Class 2 felony, and is
23 not eligible for probation or conditional discharge, if the
24 revocation or suspension was for a violation of Section 11-401
25 or 11-501 of this Code, or a similar out-of-state offense, or a
26 similar provision of a local ordinance, or a statutory summary

1 suspension or revocation under Section 11-501.1 of this Code.

2 (e) Any person in violation of this Section who is also in
3 violation of Section 7-601 of this Code relating to mandatory
4 insurance requirements, in addition to other penalties imposed
5 under this Section, shall have his or her motor vehicle
6 immediately impounded by the arresting law enforcement
7 officer. The motor vehicle may be released to any licensed
8 driver upon a showing of proof of insurance for the vehicle
9 that was impounded and the notarized written consent for the
10 release by the vehicle owner.

11 (f) For any prosecution under this Section, a certified
12 copy of the driving abstract of the defendant shall be admitted
13 as proof of any prior conviction.

14 (g) The motor vehicle used in a violation of this Section
15 is subject to seizure and forfeiture as provided in Sections
16 36-1 and 36-2 of the Criminal Code of 1961 if the person's
17 driving privilege was revoked or suspended as a result of a
18 violation listed in paragraph (1) or (2) of subsection (c) of
19 this Section, as a result of a summary suspension or revocation
20 as provided in paragraph (3) of subsection (c) of this Section,
21 or as a result of a violation of Section 9-3 of the Criminal
22 Code of 1961 relating to the offense of reckless homicide.

23 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,
24 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,
25 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
26 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11.)".