

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The State Finance Act is amended by adding Sections 5.1038 and 5.1039 as follows:

(30 ILCS 105/5.1038 new)

Sec. 5.1038. The Indigent Intelligent Speed Assistance Device Fund.

(30 ILCS 105/5.1039 new)

Sec. 5.1039. The Intelligent Speed Assistance Permit Fee Fund.

Section 10. The Illinois Vehicle Code is amended by changing Section 6-208 and by adding Section 6-206.3 as follows:

(625 ILCS 5/6-206.3 new)

Sec. 6-206.3. Intelligent Speed Assistance Program; Intelligent Speed Assistance Permit.

(a) The General Assembly finds that:

(1) speeding is a contributing factor in approximately 29% of all traffic fatalities in the United States,

resulting in over 12,000 deaths annually, as documented by the National Highway Traffic Safety Administration;

(2) traditional enforcement methods, including fines, license points, and suspensions, have proven insufficient to deter the most dangerous repeat speeders;

(3) approximately 75% of drivers with suspended licenses continue to drive, creating ongoing public safety risks, as documented in research published by the National Cooperative Highway Research Program;

(4) intelligent speed assistance technology provides a proven, cost-effective alternative to license suspension that maintains individual mobility while protecting public safety;

(5) intelligent speed assistance technology has demonstrated significant safety benefits in municipal fleet pilot programs, including a 64% reduction in speeding in New York City's program, as documented by the New York City Department of Citywide Administrative Services in partnership with the United States Department of Transportation Volpe National Transportation Systems Center; and

(6) interstate travel is common, and drivers subject to intelligent speed assistance requirements in one jurisdiction frequently operate vehicles in other jurisdictions.

(b) The purposes of this Section are to:

(1) establish a uniform Intelligent Speed Assistance Program applicable to repeat and egregious speed violators;

(2) provide an alternative to driver's license suspension that maintains mobility while ensuring public safety;

(3) create uniform violation standards and Program requirements to ensure continuity when participants travel or relocate between jurisdictions;

(4) establish clear lines of authority for Program administration and enforcement;

(5) protect participant privacy while enabling necessary data sharing for Program integrity;

(6) ensure Program sustainability through participant-funded cost recovery;

(7) enable interstate reciprocity and data exchange;
and

(8) establish uniform penalties for tampering and noncompliance.

(c) As used in this Section:

"Active intelligent speed assistance device" or "intelligent speed assistance device" means an aftermarket device that actively prevents a motor vehicle from exceeding the applicable speed limit and does not interact with the braking system and is installed in or integrated with a motor vehicle that determines the applicable speed limit and

prevents the vehicle from exceeding that limit, excluding dynamic speed zones, using technology such as, but not limited to, integrated location-based technology, digital mapping data, or camera-based sign recognition. "Active intelligent speed assistance device" or "intelligent speed assistance device" includes all necessary components for installation, operation, monitoring, and data transmission.

"Approved service provider" or "service provider" means a person, firm, or business entity certified by the Secretary of State to install, service, tune, monitor, and remove active intelligent speed assistance devices in accordance with standards established under this Section.

"Driver record" means the record maintained by the Secretary of State or obtained from another jurisdiction through the National Driver Register, the Commercial Driver License Information System, or the State-to-State Verification Service containing information about a person's driver history, including convictions, restrictions, and suspensions.

"Dynamic speed zone" means an area where speed limits are adjusted based upon certain conditions.

"Enrollment" means the date an intelligent speed assistance device is installed after an Intelligent Speed Assistance Permit is issued.

"Failure to maintain" means the participant's failure to keep the active intelligent speed assistance device in proper working order at all times, including, but not limited to, any

loss of device power for 24 continuous hours or more or any device lockout.

"Intelligent Speed Assistance Permit" or "Permit" means a permit issued to a participant in the Intelligent Speed Assistance Program that allows the participant to drive only vehicles equipped with an active intelligent speed assistance device.

"Intelligent Speed Assistance Program" or "Program" means the Intelligent Speed Assistance Program established under this Section.

"Participant" means a person who elects to install or is required to install an active intelligent speed assistance device upon suspension of the person's driver's license for conviction of 2 qualifying offenses in a 12-month period and who is restricted to operating only vehicles equipped with an active intelligent speed assistance device under this Section.

"Participating jurisdiction" means any state, territory, or the District of Columbia that has enacted substantially similar legislation to this Section.

"Program violation" means tampering with, circumventing, unauthorized removal of the device, or other activities as defined by the Secretary of State.

"Qualifying offense" means a conviction of a violation of Section 11-601.5 for driving 26 miles per hour or more in excess of the applicable speed limit or a similar conviction in another jurisdiction.

"Tamper" means any act intended to disable, circumvent, or interfere with the proper operation of an active intelligent speed assistance device, including, but not limited to, unauthorized removal, physically damaging the device, disconnecting electrical connections, installing signal jammers or GPS blockers, or altering or manipulating software.

"Tune" means the process by which the intelligent speed assistance device acquires vehicle data necessary for proper functionality.

(d) The Secretary of State shall administer the Intelligent Speed Assistance Program and shall:

(1) establish a method for active intelligent speed assistance device approval;

(2) approve service providers;

(3) maintain records of all Program participants;

(4) coordinate with courts and law enforcement regarding participant enrollment and compliance;

(5) exchange participant data with other participating jurisdictions; and

(6) establish procedures for Program requirements.

(e) The Secretary shall suspend the driver's license or driving privileges of a driver who commits 2 qualifying offenses within a 12-month period as follows:

(1) A 12-month suspension shall be entered by the Secretary for a first suspension under this Section. The Secretary shall notify the driver that if the driver

enrolls in the Program and successfully drives on a Permit for 6 months without a violation of the Program, the suspension will terminate.

(2) The Secretary shall notify a driver whose license or privileges are suspended for a second time under this Section that the suspension shall remain in effect until the driver enrolls in the Program and successfully drives on a Permit for 12 months without a violation of the Program.

(3) The Secretary shall notify a driver whose license or privileges has been suspended for a third or subsequent time under this Section that the suspension shall remain in effect until the driver enrolls in the Program and successfully drives on a Permit for 24 months without a violation of the Program.

A driver who elects to participate in the Program shall return the application to the Secretary. A driver who is required to participate in the Program shall return the application to the Secretary within 14 days of the effective date of the suspension of the person's license or privileges. A Permit shall not be issued if the Secretary finds that the participant's driver's license is otherwise invalid or death resulted from one of the qualifying offenses.

The participant shall have 14 days from the date the Permit is issued to have an active intelligent speed assistance device installed by an approved service provider.

An approved service provider shall provide proof of installation to the Secretary within 14 days in a manner and form prescribed by the Secretary. If the Secretary does not receive notice of installation, the Secretary shall cancel the Permit.

A participant in the Program must pay the Secretary a Permit administration fee in an amount not to exceed \$30 per month, to be deposited into the Intelligent Speed Assistance Permit Fee Fund.

(f) A Permit shall be cancelled if the participant uninstalls the active intelligent speed assistance device without prior authorization from the Secretary.

(g) The Secretary shall record the following data to the driver record:

- (1) the participant's full name, date of birth, and driver's license number;
- (2) the participant's qualifying offenses;
- (3) the participant's Program enrollment date; and
- (4) the participant's Program completion date.

(h) A person issued a Permit may drive for any purpose and at any time, subject to the rules adopted by the Secretary under subsection (r). The person must, at his or her own expense, drive only vehicles equipped with an active intelligent speed assistance device, but in no event shall the person drive a commercial motor vehicle.

(i) The Secretary shall recognize and enforce minimum

enrollment periods imposed by a participating jurisdiction if both states are participating jurisdictions.

(j) A participant who is issued a Permit and must drive employer-owned vehicles in the course of the participant's employment duties may seek permission to drive an employer-owned vehicle that does not have an active intelligent speed assistance device. The employer shall provide to the Secretary a form, as prescribed by the Secretary, completed by the employer verifying that the employee must drive an employer-owned vehicle in the course of employment. If approved by the Secretary, the form must be in the participant's possession while operating an employer-owned vehicle not equipped with an active intelligent speed assistance device.

This exemption does not apply to a participant to allow the participant:

(1) to drive a school bus, school vehicle, a vehicle designed to transport more than 15 passengers, or a commercial motor vehicle;

(2) to drive an employer-owned motor vehicle that is owned by an entity that is wholly or partially owned by the participant or by a family member of the participant;

(3) to drive an employer-owned vehicle that is made available to the participant for personal use; or

(4) to drive an exempted vehicle for more than 12 hours per day, 6 days per week.

(k) The Indigent Intelligent Speed Assistance Device Fund is created as a special fund in the State treasury. If the Secretary determines that a participant is indigent, the Secretary shall provide the participant with a written document as evidence of that determination, and the participant shall provide that written document to an approved service provider. The service provider shall install an active intelligent speed assistance device on the participant's vehicle without charge to the participant, and seek reimbursement from the Indigent Intelligent Speed Assistance Device Fund.

If the Secretary has deemed a participant indigent, the service provider shall also provide the normal monthly monitoring services and the uninstallation without charge to the participant and seek reimbursement from the Indigent Intelligent Speed Assistance Device Fund. Any other monetary charges shall be the responsibility of the participant. A service provider may not seek a security deposit from the Indigent Intelligent Speed Assistance Device Fund.

(l) A service provider shall, for each active intelligent speed assistance device, pay 5% of the total gross revenue received for the intelligent speed assistance device, including monthly monitoring fees, into the Indigent Intelligent Speed Assistance Device Fund. This 5% shall be clearly indicated as a separate surcharge on each invoice that is issued. The Secretary shall conduct an annual review of the

Indigent Intelligent Speed Assistance Device Fund to determine whether the surcharge is sufficient to provide for indigent participants. The Secretary may increase or decrease this surcharge requirement as needed. The Secretary shall, subject to appropriation by the General Assembly, use all money in the Indigent Intelligent Speed Assistance Device Fund to reimburse service providers who have installed devices in vehicles of indigent participants. The Secretary shall make payments to the service providers every 3 months. If the amount of money in the Indigent Intelligent Speed Assistance Device Fund at the time payments are made is not sufficient to pay all requests for reimbursement submitted during that 3-month period, the Secretary shall make payments on a pro rata basis, and those payments shall be considered payment in full for the requests submitted. If the amount of money in the Indigent Intelligent Speed Assistance Device Fund exceeds the amount necessary to pay all requests for reimbursement during that 3-month period, the excess amount shall remain in the Indigent Intelligent Speed Assistance Device Fund. At the end of the fiscal year, the excess amount shall be transferred to the Intelligent Speed Assistance Permit Fee Fund.

(m) Upon making a determination that a violation of the requirements of the Program has occurred, the Secretary shall, if the participant's driver's license is suspended, extend the participant's enrollment in the Program for 90 days. If the driver's license suspension has already terminated prior to

the Secretary receiving the monitoring report that shows a violation of the Program, the Secretary is authorized to suspend the person's driving privileges for 90 days.

(n) If a person subject to intelligent speed assistance program requirements in another participating jurisdiction establishes legal residence in this State:

(1) the person shall be deemed a participant in this State's Program;

(2) the person shall comply with all requirements of this Section as if originally enrolled in this State's Program;

(3) the remaining duration of the person's enrollment period shall continue uninterrupted;

(4) the person shall notify the Secretary of the person's participating jurisdiction intelligent speed assistance program status as part of establishing residence;

(5) the Secretary shall assume administrative responsibility for the participant;

(6) the enrollment period and all Program requirements shall continue without interruption;

(7) the participant shall verify that the participant's active intelligent speed assistance device meets this State's requirements within 30 days or install a compliant intelligent speed assistance device; and

(8) the Secretary shall issue a Permit with an S

license restriction code to the Program participant.

(o) If a participant relocates to a nonparticipating jurisdiction and establishes residency:

(1) for a driver who is not required to participate in the Program, the Secretary shall immediately cancel the participant's Permit and the participant shall be required to serve the remainder of the 12-month suspension imposed under subsection (e);

(2) for a driver who is required to participate in the Program, the Secretary shall immediately cancel the participant's Permit, the suspension imposed under subsection (e) shall terminate, and the Secretary shall impose a suspension for the period during which the driver is required to use an active intelligent speed assistance device.

A participant shall be given credit for any time served on the suspension imposed under subsection (e) prior to the cancellation of the Permit.

(p) Participating jurisdictions shall exchange the following information about participants:

(1) the full name, date of birth, and driver's license number;

(2) the qualifying offenses and conviction dates;

(3) Program enrollment date and scheduled completion date;

(4) the number of qualifying offenses;

(5) the history of Program enrollment; and

(6) Program violations.

All interstate data exchanges shall use secure transmission protocols, comply with all applicable federal and State privacy laws, and be limited to information necessary for Program administration and public safety.

(g) Service providers shall only collect the following data:

(1) the participating driver's full name and driver's license number;

(2) the intelligent speed assistance device identification number;

(3) the vehicle identification number;

(4) the date, time, and duration of vehicle operation;

(5) the posted speed limit at the vehicle's location;

(6) the vehicle speed;

(7) any override events, including the date, time, and duration;

(8) any tampering attempts or device malfunctions; and

(9) location coordinates, which shall be retained only for compliance verification, not for general location tracking.

A service provider shall retain Program participation data specified in paragraphs (1) through (3) for the duration of Program participation or any period as defined by the Secretary and in compliance with State laws and rules. A

service provider shall retain Program participation data specified in paragraphs (4) through (9) for 30 days from the date the data was collected or any period as defined by the Secretary and in compliance with State laws and rules and must securely delete or dispose of the data upon expiration of the 30-day period. Except as necessary to administer the Program, which includes providing Program participation data specified in paragraphs (1) through (9) of this subsection to the Secretary, a service provider in possession of Program participation data specified in paragraphs (1) through (9) shall not otherwise disclose, sell, share, allow access to, or otherwise disseminate the data.

(r) The Secretary may adopt rules necessary to implement the Program, in consultation with the Illinois State Police, including, but not limited to:

(1) specifications and technical standards for active intelligent speed assistance devices, including minimum intelligent speed assistance device capabilities, including the speed the vehicle is limited to relative to the speed limit and law enforcement verification protocols;

(2) standards and procedures for approved service providers;

(3) active intelligent speed assistance device installation, transfer, inspection, including inspection by law enforcement, or removal;

(4) data security, retention, and privacy protocols;
(5) procedures for interstate data exchange;
(6) indigent qualifications;
(7) compliance monitoring and violation reporting;
(8) what constitutes a violation of the Program; and
(9) procedures for the Secretary to provide Intelligent Speed Assistance data to law enforcement when the Intelligent Speed Assistance Permit holder is involved in a traffic crash while operating a motor vehicle equipped with an Intelligent Speed Assistance device.

(s) The Intelligent Speed Assistance Permit Fee Fund is created as a special fund in the State treasury. The Secretary shall, subject to appropriation by the General Assembly, use the money paid into the Intelligent Speed Assistance Permit Fee Fund to offset its administrative costs for administering Intelligent Speed Assistance Permits.

(t) It is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an intelligent speed assistance device to operate a motor vehicle not equipped with an intelligent speed assistance device.

(u) It is unlawful to tamper with or circumvent an intelligent speed assistance device.

(v) A person convicted of violation of subsection (t) or (u) is guilty of a Class A misdemeanor.

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

Sec. 6-208. Period of suspension - application after revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit, or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit, or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit, or privilege renewed or restored. However, such person may, except as provided under subsections (d) and (d-5) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause that has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 1.3, 1.5, 2, 3, 4, and 5, the person may make application for a license (A) after the expiration of one year from the effective date of the revocation, (B) in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation, or (C) in the case of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a law of another state relating to the offense of reckless homicide or a violation of subparagraph (F) of

paragraph 1 of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.

1.3. If the person is convicted of a second or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person may not make application for a driver's license until:

(A) the person has first been issued a restricted driving permit by the Secretary of State; and

(B) the expiration of a continuous period of not less than 5 years following the issuance of the restricted driving permit during which the person's restricted driving permit is not suspended, cancelled, or revoked for a violation of any provision of law, or

any rule or regulation of the Secretary of State relating to the required use of an ignition interlock device.

1.5. If the person is convicted of a violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state, the person may not make application for a license or permit until the expiration of 3 years from the date of the conviction.

2. If such person is convicted of committing a second violation within a 20-year period of:

(A) Section 11-501 of this Code or a similar provision of a local ordinance;

(B) Paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance;

(C) Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide; or

(D) any combination of the above offenses committed at different instances;

then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20-year period

shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses and similar offenses committed on a military installation.

2.5. If a person is convicted of a second violation of Section 6-303 of this Code committed while the person's driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state, the person may not make application for a license or permit until the expiration of 5 years from the date of release from a term of imprisonment.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third violation or any combination of the above offenses, including similar out-of-state offenses and similar offenses committed on a military installation, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. Except as provided in paragraph (1.5) of subsection (c) of Section 6-205 and subparagraph (F) of paragraph 3 of subsection (c) of Section 6-206 of this Code, the person may not make application for a license if the person is convicted of committing a fourth or subsequent

violation of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or a combination of these offenses, similar provisions of local ordinances, similar out-of-state offenses, or similar offenses committed on a military installation.

4.5. A bona fide resident of a foreign jurisdiction who is subject to the provisions of subparagraph 4 of this subsection (b) may make application for termination of the revocation after a period of 10 years from the effective date of the most recent revocation. However, if a person who has been granted a termination of revocation under this subparagraph 4.5 subsequently becomes a resident of this State, the revocation shall be reinstated and the person shall be subject to the provisions of subparagraph 4.

5. The person may not make application for a license or permit if the person is convicted of a third or subsequent violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state.

6. If the person's driving privilege is revoked under

paragraph (16) of subsection (a) of Section 6-205 where the driver was convicted of a violation of Section 11-601.5, that person may not make application for a driver's license until the person has first been issued a restricted driving permit requiring the use of an intelligent speed assistance device by the Secretary of State and (i) if the person has not previously been enrolled in the Intelligent Speed Assistance Program, the expiration of not less than 365 days following the issuance of a restricted driving permit requiring the use of an intelligent speed assistance device during which the person's restricted driving permit is not suspended, cancelled, or revoked for a violation of a provision of law or rule of the Secretary of State, including, but not limited to, a violation of the intelligent speed assistance device, (ii) if the person has previously been enrolled in the Intelligent Speed Assistance Program one time, the expiration of not less than 730 days following the issuance of a restricted driving permit requiring the use of an intelligent speed assistance device during which the person's restricted driving permit is not suspended, cancelled, or revoked for a violation of a provision of law or rule of the Secretary of State, including, but not limited to, a violation of the intelligent speed assistance device, or (iii) if the person has previously been enrolled in the Intelligent Speed Assistance Program

2 or more times, the expiration of 1,095 days following the issuance of a restricted driving permit requiring the use of an intelligent speed assistance device during which the person's restricted driving permit is not suspended, cancelled, or revoked for a violation of a provision of law or rule of the Secretary of State, including, but not limited to, a violation of the intelligent speed assistance device.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) (Blank).

(Source: P.A. 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-642, eff. 7-28-16.)

Section 99. Effective date. This Act takes effect January 1, 2028.