

## Rep. Charles Meier

## Filed: 3/10/2017

## 10000HB2829ham001 LRB100 07390 AXK 22649 a 1 AMENDMENT TO HOUSE BILL 2829 2 AMENDMENT NO. . Amend House Bill 2829 by replacing everything after the enacting clause with the following: 3 "Section 5. The Illinois Vehicle Code is amended by 4 5 changing Sections 3-707 and 6-205 as follows: 6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707) 7 Sec. 3-707. Operation of uninsured motor vehicle - penalty. (a) No person shall operate a motor vehicle unless the 8 motor vehicle is covered by a liability insurance policy in 9 10 accordance with Section 7-601 of this Code. (a-5) A person commits the offense of operation of 11 12 uninsured motor vehicle causing great bodily harm, permanent disability, or death when the person: 13 (1) operates a motor vehicle in violation of Section 14 15 7-601 of this Code; and (2) causes, as a proximate result of the person's 16

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

1 operation of the motor vehicle, great bodily harm, permanent disability, or death to another person. 2

- (a-6) Uninsured operation of a motor vehicle under subsection (a-5) is a Class <u>4 felony with a minimum fine of</u> \$10,000 A misdemeanor. If a person is convicted of the offense of operation of a motor vehicle for a second or subsequent violation under subsection (a 5) has previously been convicted of 2 or more violations of subsection (a-5) of this Section, he or she is guilty of a Class 3 felony, and shall be fined a minimum of \$20,000. If a person convicted of the offense of operation of a motor vehicle under subsection (a-5) has previously been convicted of one or more violations or of Section 7-601 of this Code, a fine of \$3,000 \$2,500, in addition to any sentence of incarceration, must be imposed.
- (b) Any person who fails to comply with a request by a law enforcement officer for display of evidence of insurance, as required under Section 7-602 of this Code, shall be deemed to be operating an uninsured motor vehicle.
- (c) Except as provided in subsections (a-6) and (c-5), any operator of a motor vehicle subject to registration under this Code who is convicted of violating this Section is guilty of a petty offense and shall be required to pay a fine in excess of \$500, but not more than \$1,000, except a person convicted of a second third or subsequent violation of this Section shall be quilty of a business offense and shall be required to pay a fine of \$1,000. However, no person charged with violating this

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

Section shall be convicted if such person produces in court satisfactory evidence that at the time of the arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that at the time of arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.

(c-1) Except for subsection (a-5), a A person convicted of violating this Section shall also have his or her driver's license, permit, or privileges suspended for 3 months. After the expiration of the 3 months, the person's driver's license, permit, or privileges shall not be reinstated until he or she has paid a reinstatement fee of \$100. A person convicted of violating subsection (a-5) shall have his or her driver's license, permit, or privileges revoked under paragraph 19 of subsection (a) of Section 6-205 of this Code. If a person violates this Section while his or her driver's license, permit, or privileges are suspended under this subsection (c-1), his or her driver's license, permit, or privileges shall be suspended for an additional 6 months and until he or she pays the reinstatement fee.

(c-5) A person who (i) has not previously been convicted of or received a disposition of court supervision for violating this Section and (ii) produces at his or her court appearance satisfactory evidence that the motor vehicle is covered, as of

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

the date of the court appearance, by a liability insurance policy in accordance with Section 7-601 of this Code shall, for a violation of this Section, other than a violation of subsection (a-5), pay a fine of \$100 and receive a disposition of court supervision. The person must, on the date that the period of court supervision is scheduled to terminate, produce satisfactory evidence that the vehicle was covered by the required liability insurance policy during the entire period of court supervision.

An officer of the court designated under subsection (c) may also review liability insurance documentation under this subsection (c-5) to determine if the motor vehicle is, as of the date of the court appearance, covered by a liability insurance policy in accordance with Section 7-601 of this Code. The officer of the court shall also determine, on the date the period of court supervision is scheduled to terminate, whether the vehicle was covered by the required policy during the entire period of court supervision.

(d) A person convicted a third or subsequent time of violating this Section or a similar provision of a local ordinance must give proof to the Secretary of State of the person's financial responsibility as defined in Section 7-315. The person must maintain the proof in a manner satisfactory to the Secretary for a minimum period of 3 years after the date the proof is first filed. The Secretary must suspend the driver's license of any person determined by the Secretary not

- to have provided adequate proof of financial responsibility as 1
- required by this subsection. 2
- (Source: P.A. 99-613, eff. 1-1-17.) 3
- 4 (625 ILCS 5/6-205)
- Sec. 6-205. Mandatory revocation of license or permit; 5
- 6 Hardship cases.
- 7 (a) Except as provided in this Section, the Secretary of
- 8 State shall immediately revoke the license, permit, or driving
- 9 privileges of any driver upon receiving a report of the
- 10 driver's conviction of any of the following offenses:
- 1. Reckless homicide resulting from the operation of a 11
- 12 motor vehicle;
- 2. Violation of Section 11-501 of this Code or a 13
- 14 similar provision of a local ordinance relating to the
- offense of operating or being in physical control of a 15
- vehicle while under the influence of alcohol, other drug or 16
- 17 drugs, intoxicating compound or compounds, or
- combination thereof; 18
- 19 3. Any felony under the laws of any State or the
- federal government in the commission of which a motor 20
- vehicle was used; 21
- 22 4. Violation of Section 11-401 of this Code relating to
- 23 the offense of leaving the scene of a traffic accident
- 24 involving death or personal injury;
- 25 5. Perjury or the making of a false affidavit or

2.1

1	statement under oath to the Secretary of State under this
2	Code or under any other law relating to the ownership or
3	operation of motor vehicles;

- 6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
- 7. Conviction of any offense defined in Section 4-102 of this Code;
- 8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
  - 9. Violation of Chapters 8 and 9 of this Code;
- 10. Violation of Section 12-5 of the Criminal Code of 1961 or the Criminal Code of 2012 arising from the use of a motor vehicle;
- 11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer:
- 12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
  - 13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of

1 the offense;

2.1

- 14. Violation of paragraph (a) of Section 11-506 of this Code or a similar provision of a local ordinance relating to the offense of street racing;
- 15. A second or subsequent conviction of driving while the person's driver's license, permit or privileges was revoked for reckless homicide or a similar out-of-state offense;
- 16. Any offense against any provision in this Code, or any local ordinance, regulating the movement of traffic when that offense was the proximate cause of the death of any person. Any person whose driving privileges have been revoked pursuant to this paragraph may seek to have the revocation terminated or to have the length of revocation reduced by requesting an administrative hearing with the Secretary of State prior to the projected driver's license application eligibility date;
- 17. Violation of subsection (a-2) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;
- 18. A second or subsequent conviction of illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act. A

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

defendant found quilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State; -

- 19. Conviction of an offense under subsection (a-5) of Section 3-707 of this Code relating to the operation of an uninsured motor vehicle causing great bodily harm, permanent disability, or death to another person. A second or subsequent conviction of an offense under subsection (a-5) of Section 3-707 of this Code shall result in a lifetime revocation of driving privileges.
- (b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:
  - 1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;
  - 2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit;
  - 3. Of any person adjudicated under the Juvenile Court Act of 1987 based on an offense determined to have been

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

committed in furtherance of the criminal activities of an organized gang as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The revocation shall remain in effect for the period determined by the court.

(c)(1) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to a medical facility for the receipt of necessary medical care or to allow the petitioner to transport himself or herself to and from alcohol or drua remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare; if the

2

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

petitioner is able to demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue the restricted driving permit.

- (1.5) A person subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation, or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:
  - minimum of 3 years of uninterrupted (A) abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and
    - the successful completion (B) of any

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

rehabilitative treatment and involvement in any ongoing rehabilitative activity that mav be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code.

In determining whether an applicant is eligible for a restricted driving permit under this paragraph (1.5), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph (5) of subsection (a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit.

restricted driving permit issued under paragraph (1.5) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph (2) of subsection (c) of this Section and subparagraph (A) of paragraph 3 of subsection (c) of Section 6-206 of this Code. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this paragraph (1.5) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

2.5

26

other reason authorized under this Code.

restricted driving permit issued under paragraph (1.5) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is subsequently convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state.

(2) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating 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, where 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, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

## (3) If:

- (A) a person's license or permit is revoked or suspended 2 or more times due to any combination of:
  - (i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense,

to these fees.

1	or Section $9-3$ of the Criminal Code of $1961$ or the
2	Criminal Code of 2012, where the use of alcohol or
3	other drugs is recited as an element of the
4	offense, or a similar out-of-state offense; or
5	(ii) a statutory summary suspension or
6	revocation under Section 11-501.1; or
7	(iii) a suspension pursuant to Section
8	6-203.1;
9	arising out of separate occurrences; or
10	(B) a person has been convicted of one violation of
11	subparagraph (C) or (F) of paragraph (1) of subsection
12	(d) of Section 11-501 of this Code, Section 9-3 of the
13	Criminal Code of 1961 or the Criminal Code of 2012,
14	relating to the offense of reckless homicide where the
15	use of alcohol or other drugs was recited as an element
16	of the offense, or a similar provision of a law of
17	another state;
18	that person, if issued a restricted driving permit, may not
19	operate a vehicle unless it has been equipped with an
20	ignition interlock device as defined in Section 1-129.1.
21	(4) The person issued a permit conditioned on the use
22	of an ignition interlock device must pay to the Secretary
23	of State DUI Administration Fund an amount not to exceed
24	\$30 per month. The Secretary shall establish by rule the
25	amount and the procedures, terms, and conditions relating

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

(5) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(6) In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. Secretary of State may, as a condition to the issuance of a restricted driving permit, require the petitioner to a designated driver participate in remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(c-5) (Blank).

(c-6) If a person is convicted of a second violation of operating a motor vehicle while the person's driver's license, permit or privilege was revoked, where the revocation was for 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 out-of-state offense, the person's driving privileges shall be revoked pursuant to subdivision (a) (15) of this Section. The person may not make application for a license or permit until the expiration of five years from the effective date of the revocation or the expiration of five years from the date of release from a term of imprisonment, whichever is later.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

- (c-7) If a person is convicted of a third or subsequent violation of operating a motor vehicle while the person's driver's license, permit or privilege was revoked, where the revocation was for 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 out-of-state offense, the person may never apply for a license or permit.
- (d)(1) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one-year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may reinstate the petitioner's driver's license and driving privileges, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each.
  - (2) If a person's license or permit is revoked or

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

suspended due to 2 or more convictions of violating 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, where 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, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

- (3) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:
  - (A) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or
  - (B) a statutory summary suspension or revocation under Section 11-501.1; or
- (C) a suspension pursuant to Section 6-203.1; arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

device as defined in Section 1-129.1.

- (3.5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.
- (4) The person issued a permit conditioned upon the use of an interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.
- (5) If the restricted driving permit is issued for employment purposes, then the prohibition against driving a vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

26

person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

- (6) A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit.
- (d-5) The revocation of the license, permit, or driving privileges of a person 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, is permanent. The Secretary may not, at any time, issue a license or permit to that person.
- 24 (e) This Section is subject to the provisions of the Driver 25 License Compact.
  - Any revocation imposed upon any person (f)under

- 1 subsections 2 and 3 of paragraph (b) that is in effect on
- December 31, 1988 shall be converted to a suspension for a like 2
- 3 period of time.
- 4 (q) The Secretary of State shall not issue a restricted
- 5 driving permit to a person under the age of 16 years whose
- driving privileges have been revoked under any provisions of 6
- 7 this Code.
- 8 (h) The Secretary of State shall require the use of
- 9 ignition interlock devices for a period not less than 5 years
- 10 on all vehicles owned by a person who has been convicted of a
- 11 second or subsequent offense under Section 11-501 of this Code
- or a similar provision of a local ordinance. The person must 12
- 13 pay to the Secretary of State DUI Administration Fund an amount
- 14 not to exceed \$30 for each month that he or she uses the
- 15 device. The Secretary shall establish by rule and regulation
- 16 the procedures for certification and use of the interlock
- system, the amount of the fee, and the procedures, terms, and 17
- 18 conditions relating to these fees. During the time period in
- which a person is required to install an ignition interlock 19
- 20 device under this subsection (h), that person shall only
- 2.1 operate vehicles in which ignition interlock devices have been
- 22 installed, except as allowed by subdivision (c)(5) or (d)(5) of
- 23 this Section.
- 24 (i) (Blank).
- 25 (j) In accordance with 49 C.F.R. 384, the Secretary of
- State may not issue a restricted driving permit for the 26

- 1 operation of a commercial motor vehicle to a person holding a
- 2 CDL whose driving privileges have been revoked, suspended,
- cancelled, or disqualified under any provisions of this Code. 3
- 4 (k) The Secretary of State shall notify by mail any person
- 5 whose driving privileges have been revoked under paragraph 16
- 6 of subsection (a) of this Section that his or her driving
- privileges and driver's license will be revoked 90 days from 7
- 8 the date of the mailing of the notice.
- 9 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;
- 10 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
- 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff. 11
- 7-28-16.)". 12