

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 3. Intent. The intent of this Act is to clarify  
5 that not all crashes are accidental. Crash encompasses all  
6 types of motor vehicle impacts and collisions, including, but  
7 not limited to, an impact or collision caused by negligence,  
8 willful and wanton conduct, or an intentional act. This Act is  
9 not intended to alter the legal rights and obligations under  
10 current law of insurers, applicants, and policy holders.

11 Section 5. The Freedom of Information Act is amended by  
12 changing Section 7 as follows:

13 (5 ILCS 140/7) (from Ch. 116, par. 207)

14 Sec. 7. Exemptions.

15 (1) When a request is made to inspect or copy a public  
16 record that contains information that is exempt from  
17 disclosure under this Section, but also contains information  
18 that is not exempt from disclosure, the public body may elect  
19 to redact the information that is exempt. The public body  
20 shall make the remaining information available for inspection  
21 and copying. Subject to this requirement, the following shall  
22 be exempt from inspection and copying:

1           (a) Information specifically prohibited from  
2 disclosure by federal or State law or rules and  
3 regulations implementing federal or State law.

4           (b) Private information, unless disclosure is required  
5 by another provision of this Act, a State or federal law or  
6 a court order.

7           (b-5) Files, documents, and other data or databases  
8 maintained by one or more law enforcement agencies and  
9 specifically designed to provide information to one or  
10 more law enforcement agencies regarding the physical or  
11 mental status of one or more individual subjects.

12           (c) Personal information contained within public  
13 records, the disclosure of which would constitute a  
14 clearly unwarranted invasion of personal privacy, unless  
15 the disclosure is consented to in writing by the  
16 individual subjects of the information. "Unwarranted  
17 invasion of personal privacy" means the disclosure of  
18 information that is highly personal or objectionable to a  
19 reasonable person and in which the subject's right to  
20 privacy outweighs any legitimate public interest in  
21 obtaining the information. The disclosure of information  
22 that bears on the public duties of public employees and  
23 officials shall not be considered an invasion of personal  
24 privacy.

25           (d) Records in the possession of any public body  
26 created in the course of administrative enforcement

1 proceedings, and any law enforcement or correctional  
2 agency for law enforcement purposes, but only to the  
3 extent that disclosure would:

4 (i) interfere with pending or actually and  
5 reasonably contemplated law enforcement proceedings  
6 conducted by any law enforcement or correctional  
7 agency that is the recipient of the request;

8 (ii) interfere with active administrative  
9 enforcement proceedings conducted by the public body  
10 that is the recipient of the request;

11 (iii) create a substantial likelihood that a  
12 person will be deprived of a fair trial or an impartial  
13 hearing;

14 (iv) unavoidably disclose the identity of a  
15 confidential source, confidential information  
16 furnished only by the confidential source, or persons  
17 who file complaints with or provide information to  
18 administrative, investigative, law enforcement, or  
19 penal agencies; except that the identities of  
20 witnesses to traffic crashes ~~accidents~~, traffic crash  
21 ~~accident~~ reports, and rescue reports shall be provided  
22 by agencies of local government, except when  
23 disclosure would interfere with an active criminal  
24 investigation conducted by the agency that is the  
25 recipient of the request;

26 (v) disclose unique or specialized investigative

1 techniques other than those generally used and known  
2 or disclose internal documents of correctional  
3 agencies related to detection, observation or  
4 investigation of incidents of crime or misconduct, and  
5 disclosure would result in demonstrable harm to the  
6 agency or public body that is the recipient of the  
7 request;

8 (vi) endanger the life or physical safety of law  
9 enforcement personnel or any other person; or

10 (vii) obstruct an ongoing criminal investigation  
11 by the agency that is the recipient of the request.

12 (d-5) A law enforcement record created for law  
13 enforcement purposes and contained in a shared electronic  
14 record management system if the law enforcement agency  
15 that is the recipient of the request did not create the  
16 record, did not participate in or have a role in any of the  
17 events which are the subject of the record, and only has  
18 access to the record through the shared electronic record  
19 management system.

20 (d-6) Records contained in the Officer Professional  
21 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois  
22 Police Training Act, except to the extent authorized under  
23 that Section. This includes the documents supplied to the  
24 Illinois Law Enforcement Training Standards Board from the  
25 Illinois State Police and Illinois State Police Merit  
26 Board.

1           (e) Records that relate to or affect the security of  
2           correctional institutions and detention facilities.

3           (e-5) Records requested by persons committed to the  
4           Department of Corrections, Department of Human Services  
5           Division of Mental Health, or a county jail if those  
6           materials are available in the library of the correctional  
7           institution or facility or jail where the inmate is  
8           confined.

9           (e-6) Records requested by persons committed to the  
10          Department of Corrections, Department of Human Services  
11          Division of Mental Health, or a county jail if those  
12          materials include records from staff members' personnel  
13          files, staff rosters, or other staffing assignment  
14          information.

15          (e-7) Records requested by persons committed to the  
16          Department of Corrections or Department of Human Services  
17          Division of Mental Health if those materials are available  
18          through an administrative request to the Department of  
19          Corrections or Department of Human Services Division of  
20          Mental Health.

21          (e-8) Records requested by a person committed to the  
22          Department of Corrections, Department of Human Services  
23          Division of Mental Health, or a county jail, the  
24          disclosure of which would result in the risk of harm to any  
25          person or the risk of an escape from a jail or correctional  
26          institution or facility.

1 (e-9) Records requested by a person in a county jail  
2 or committed to the Department of Corrections or  
3 Department of Human Services Division of Mental Health,  
4 containing personal information pertaining to the person's  
5 victim or the victim's family, including, but not limited  
6 to, a victim's home address, home telephone number, work  
7 or school address, work telephone number, social security  
8 number, or any other identifying information, except as  
9 may be relevant to a requester's current or potential case  
10 or claim.

11 (e-10) Law enforcement records of other persons  
12 requested by a person committed to the Department of  
13 Corrections, Department of Human Services Division of  
14 Mental Health, or a county jail, including, but not  
15 limited to, arrest and booking records, mug shots, and  
16 crime scene photographs, except as these records may be  
17 relevant to the requester's current or potential case or  
18 claim.

19 (f) Preliminary drafts, notes, recommendations,  
20 memoranda and other records in which opinions are  
21 expressed, or policies or actions are formulated, except  
22 that a specific record or relevant portion of a record  
23 shall not be exempt when the record is publicly cited and  
24 identified by the head of the public body. The exemption  
25 provided in this paragraph (f) extends to all those  
26 records of officers and agencies of the General Assembly

1 that pertain to the preparation of legislative documents.

2 (g) Trade secrets and commercial or financial  
3 information obtained from a person or business where the  
4 trade secrets or commercial or financial information are  
5 furnished under a claim that they are proprietary,  
6 privileged, or confidential, and that disclosure of the  
7 trade secrets or commercial or financial information would  
8 cause competitive harm to the person or business, and only  
9 insofar as the claim directly applies to the records  
10 requested.

11 The information included under this exemption includes  
12 all trade secrets and commercial or financial information  
13 obtained by a public body, including a public pension  
14 fund, from a private equity fund or a privately held  
15 company within the investment portfolio of a private  
16 equity fund as a result of either investing or evaluating  
17 a potential investment of public funds in a private equity  
18 fund. The exemption contained in this item does not apply  
19 to the aggregate financial performance information of a  
20 private equity fund, nor to the identity of the fund's  
21 managers or general partners. The exemption contained in  
22 this item does not apply to the identity of a privately  
23 held company within the investment portfolio of a private  
24 equity fund, unless the disclosure of the identity of a  
25 privately held company may cause competitive harm.

26 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting  
2 to disclosure.

3 (h) Proposals and bids for any contract, grant, or  
4 agreement, including information which if it were  
5 disclosed would frustrate procurement or give an advantage  
6 to any person proposing to enter into a contractor  
7 agreement with the body, until an award or final selection  
8 is made. Information prepared by or for the body in  
9 preparation of a bid solicitation shall be exempt until an  
10 award or final selection is made.

11 (i) Valuable formulae, computer geographic systems,  
12 designs, drawings and research data obtained or produced  
13 by any public body when disclosure could reasonably be  
14 expected to produce private gain or public loss. The  
15 exemption for "computer geographic systems" provided in  
16 this paragraph (i) does not extend to requests made by  
17 news media as defined in Section 2 of this Act when the  
18 requested information is not otherwise exempt and the only  
19 purpose of the request is to access and disseminate  
20 information regarding the health, safety, welfare, or  
21 legal rights of the general public.

22 (j) The following information pertaining to  
23 educational matters:

24 (i) test questions, scoring keys and other  
25 examination data used to administer an academic  
26 examination;



1           (ii) information received by a primary or  
2 secondary school, college, or university under its  
3 procedures for the evaluation of faculty members by  
4 their academic peers;

5           (iii) information concerning a school or  
6 university's adjudication of student disciplinary  
7 cases, but only to the extent that disclosure would  
8 unavoidably reveal the identity of the student; and

9           (iv) course materials or research materials used  
10 by faculty members.

11          (k) Architects' plans, engineers' technical  
12 submissions, and other construction related technical  
13 documents for projects not constructed or developed in  
14 whole or in part with public funds and the same for  
15 projects constructed or developed with public funds,  
16 including, but not limited to, power generating and  
17 distribution stations and other transmission and  
18 distribution facilities, water treatment facilities,  
19 airport facilities, sport stadiums, convention centers,  
20 and all government owned, operated, or occupied buildings,  
21 but only to the extent that disclosure would compromise  
22 security.

23          (l) Minutes of meetings of public bodies closed to the  
24 public as provided in the Open Meetings Act until the  
25 public body makes the minutes available to the public  
26 under Section 2.06 of the Open Meetings Act.

1           (m) Communications between a public body and an  
2 attorney or auditor representing the public body that  
3 would not be subject to discovery in litigation, and  
4 materials prepared or compiled by or for a public body in  
5 anticipation of a criminal, civil, or administrative  
6 proceeding upon the request of an attorney advising the  
7 public body, and materials prepared or compiled with  
8 respect to internal audits of public bodies.

9           (n) Records relating to a public body's adjudication  
10 of employee grievances or disciplinary cases; however,  
11 this exemption shall not extend to the final outcome of  
12 cases in which discipline is imposed.

13           (o) Administrative or technical information associated  
14 with automated data processing operations, including, but  
15 not limited to, software, operating protocols, computer  
16 program abstracts, file layouts, source listings, object  
17 modules, load modules, user guides, documentation  
18 pertaining to all logical and physical design of  
19 computerized systems, employee manuals, and any other  
20 information that, if disclosed, would jeopardize the  
21 security of the system or its data or the security of  
22 materials exempt under this Section.

23           (p) Records relating to collective negotiating matters  
24 between public bodies and their employees or  
25 representatives, except that any final contract or  
26 agreement shall be subject to inspection and copying.

1           (q) Test questions, scoring keys, and other  
2 examination data used to determine the qualifications of  
3 an applicant for a license or employment.

4           (r) The records, documents, and information relating  
5 to real estate purchase negotiations until those  
6 negotiations have been completed or otherwise terminated.  
7 With regard to a parcel involved in a pending or actually  
8 and reasonably contemplated eminent domain proceeding  
9 under the Eminent Domain Act, records, documents, and  
10 information relating to that parcel shall be exempt except  
11 as may be allowed under discovery rules adopted by the  
12 Illinois Supreme Court. The records, documents, and  
13 information relating to a real estate sale shall be exempt  
14 until a sale is consummated.

15           (s) Any and all proprietary information and records  
16 related to the operation of an intergovernmental risk  
17 management association or self-insurance pool or jointly  
18 self-administered health and accident cooperative or pool.  
19 Insurance or self insurance (including any  
20 intergovernmental risk management association or self  
21 insurance pool) claims, loss or risk management  
22 information, records, data, advice or communications.

23           (t) Information contained in or related to  
24 examination, operating, or condition reports prepared by,  
25 on behalf of, or for the use of a public body responsible  
26 for the regulation or supervision of financial

1 institutions, insurance companies, or pharmacy benefit  
2 managers, unless disclosure is otherwise required by State  
3 law.

4 (u) Information that would disclose or might lead to  
5 the disclosure of secret or confidential information,  
6 codes, algorithms, programs, or private keys intended to  
7 be used to create electronic signatures under the Uniform  
8 Electronic Transactions Act.

9 (v) Vulnerability assessments, security measures, and  
10 response policies or plans that are designed to identify,  
11 prevent, or respond to potential attacks upon a  
12 community's population or systems, facilities, or  
13 installations, the destruction or contamination of which  
14 would constitute a clear and present danger to the health  
15 or safety of the community, but only to the extent that  
16 disclosure could reasonably be expected to jeopardize the  
17 effectiveness of the measures or the safety of the  
18 personnel who implement them or the public. Information  
19 exempt under this item may include such things as details  
20 pertaining to the mobilization or deployment of personnel  
21 or equipment, to the operation of communication systems or  
22 protocols, or to tactical operations.

23 (w) (Blank).

24 (x) Maps and other records regarding the location or  
25 security of generation, transmission, distribution,  
26 storage, gathering, treatment, or switching facilities

1 owned by a utility, by a power generator, or by the  
2 Illinois Power Agency.

3 (y) Information contained in or related to proposals,  
4 bids, or negotiations related to electric power  
5 procurement under Section 1-75 of the Illinois Power  
6 Agency Act and Section 16-111.5 of the Public Utilities  
7 Act that is determined to be confidential and proprietary  
8 by the Illinois Power Agency or by the Illinois Commerce  
9 Commission.

10 (z) Information about students exempted from  
11 disclosure under Sections 10-20.38 or 34-18.29 of the  
12 School Code, and information about undergraduate students  
13 enrolled at an institution of higher education exempted  
14 from disclosure under Section 25 of the Illinois Credit  
15 Card Marketing Act of 2009.

16 (aa) Information the disclosure of which is exempted  
17 under the Viatical Settlements Act of 2009.

18 (bb) Records and information provided to a mortality  
19 review team and records maintained by a mortality review  
20 team appointed under the Department of Juvenile Justice  
21 Mortality Review Team Act.

22 (cc) Information regarding interments, entombments, or  
23 inurnments of human remains that are submitted to the  
24 Cemetery Oversight Database under the Cemetery Care Act or  
25 the Cemetery Oversight Act, whichever is applicable.

26 (dd) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid  
2 Code or (ii) that pertain to appeals under Section 11-8 of  
3 the Illinois Public Aid Code.

4 (ee) The names, addresses, or other personal  
5 information of persons who are minors and are also  
6 participants and registrants in programs of park  
7 districts, forest preserve districts, conservation  
8 districts, recreation agencies, and special recreation  
9 associations.

10 (ff) The names, addresses, or other personal  
11 information of participants and registrants in programs of  
12 park districts, forest preserve districts, conservation  
13 districts, recreation agencies, and special recreation  
14 associations where such programs are targeted primarily to  
15 minors.

16 (gg) Confidential information described in Section  
17 1-100 of the Illinois Independent Tax Tribunal Act of  
18 2012.

19 (hh) The report submitted to the State Board of  
20 Education by the School Security and Standards Task Force  
21 under item (8) of subsection (d) of Section 2-3.160 of the  
22 School Code and any information contained in that report.

23 (ii) Records requested by persons committed to or  
24 detained by the Department of Human Services under the  
25 Sexually Violent Persons Commitment Act or committed to  
26 the Department of Corrections under the Sexually Dangerous

1 Persons Act if those materials: (i) are available in the  
2 library of the facility where the individual is confined;  
3 (ii) include records from staff members' personnel files,  
4 staff rosters, or other staffing assignment information;  
5 or (iii) are available through an administrative request  
6 to the Department of Human Services or the Department of  
7 Corrections.

8 (jj) Confidential information described in Section  
9 5-535 of the Civil Administrative Code of Illinois.

10 (kk) The public body's credit card numbers, debit card  
11 numbers, bank account numbers, Federal Employer  
12 Identification Number, security code numbers, passwords,  
13 and similar account information, the disclosure of which  
14 could result in identity theft or impression or defrauding  
15 of a governmental entity or a person.

16 (ll) Records concerning the work of the threat  
17 assessment team of a school district.

18 (1.5) Any information exempt from disclosure under the  
19 Judicial Privacy Act shall be redacted from public records  
20 prior to disclosure under this Act.

21 (2) A public record that is not in the possession of a  
22 public body but is in the possession of a party with whom the  
23 agency has contracted to perform a governmental function on  
24 behalf of the public body, and that directly relates to the  
25 governmental function and is not otherwise exempt under this  
26 Act, shall be considered a public record of the public body,

1 for purposes of this Act.

2 (3) This Section does not authorize withholding of  
3 information or limit the availability of records to the  
4 public, except as stated in this Section or otherwise provided  
5 in this Act.

6 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
7 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
8 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

9 Section 10. The State Employee Indemnification Act is  
10 amended by changing Section 2 as follows:

11 (5 ILCS 350/2) (from Ch. 127, par. 1302)

12 Sec. 2. Representation and indemnification of State  
13 employees.

14 (a) In the event that any civil proceeding is commenced  
15 against any State employee arising out of any act or omission  
16 occurring within the scope of the employee's State employment,  
17 the Attorney General shall, upon timely and appropriate notice  
18 to him by such employee, appear on behalf of such employee and  
19 defend the action. In the event that any civil proceeding is  
20 commenced against any physician who is an employee of the  
21 Department of Corrections or the Department of Human Services  
22 (in a position relating to the Department's mental health and  
23 developmental disabilities functions) alleging death or bodily  
24 injury or other injury to the person of the complainant



1 resulting from and arising out of any act or omission  
2 occurring on or after December 3, 1977 within the scope of the  
3 employee's State employment, or against any physician who is  
4 an employee of the Department of Veterans' Affairs alleging  
5 death or bodily injury or other injury to the person of the  
6 complainant resulting from and arising out of any act or  
7 omission occurring on or after the effective date of this  
8 amendatory Act of 1988 within the scope of the employee's  
9 State employment, or in the event that any civil proceeding is  
10 commenced against any attorney who is an employee of the State  
11 Appellate Defender alleging legal malpractice or for other  
12 damages resulting from and arising out of any legal act or  
13 omission occurring on or after December 3, 1977, within the  
14 scope of the employee's State employment, or in the event that  
15 any civil proceeding is commenced against any individual or  
16 organization who contracts with the Department of Labor to  
17 provide services as a carnival and amusement ride safety  
18 inspector alleging malpractice, death or bodily injury or  
19 other injury to the person arising out of any act or omission  
20 occurring on or after May 1, 1985, within the scope of that  
21 employee's State employment, the Attorney General shall, upon  
22 timely and appropriate notice to him by such employee, appear  
23 on behalf of such employee and defend the action. Any such  
24 notice shall be in writing, shall be mailed within 15 days  
25 after the date of receipt by the employee of service of  
26 process, and shall authorize the Attorney General to represent

1 and defend the employee in the proceeding. The giving of this  
2 notice to the Attorney General shall constitute an agreement  
3 by the State employee to cooperate with the Attorney General  
4 in his defense of the action and a consent that the Attorney  
5 General shall conduct the defense as he deems advisable and in  
6 the best interests of the employee, including settlement in  
7 the Attorney General's discretion. In any such proceeding, the  
8 State shall pay the court costs and litigation expenses of  
9 defending such action, to the extent approved by the Attorney  
10 General as reasonable, as they are incurred.

11 (b) In the event that the Attorney General determines that  
12 so appearing and defending an employee either (1) involves an  
13 actual or potential conflict of interest, or (2) that the act  
14 or omission which gave rise to the claim was not within the  
15 scope of the employee's State employment or was intentional,  
16 wilful or wanton misconduct, the Attorney General shall  
17 decline in writing to appear or defend or shall promptly take  
18 appropriate action to withdraw as attorney for such employee.  
19 Upon receipt of such declination or upon such withdrawal by  
20 the Attorney General on the basis of an actual or potential  
21 conflict of interest, the State employee may employ his own  
22 attorney to appear and defend, in which event the State shall  
23 pay the employee's court costs, litigation expenses and  
24 attorneys' fees to the extent approved by the Attorney General  
25 as reasonable, as they are incurred. In the event that the  
26 Attorney General declines to appear or withdraws on the

1 grounds that the act or omission was not within the scope of  
2 employment, or was intentional, wilful or wanton misconduct,  
3 and a court or jury finds that the act or omission of the State  
4 employee was within the scope of employment and was not  
5 intentional, wilful or wanton misconduct, the State shall  
6 indemnify the State employee for any damages awarded and court  
7 costs and attorneys' fees assessed as part of any final and  
8 unreversed judgment. In such event the State shall also pay  
9 the employee's court costs, litigation expenses and attorneys'  
10 fees to the extent approved by the Attorney General as  
11 reasonable.

12 In the event that the defendant in the proceeding is an  
13 elected State official, including members of the General  
14 Assembly, the elected State official may retain his or her  
15 attorney, provided that said attorney shall be reasonably  
16 acceptable to the Attorney General. In such case the State  
17 shall pay the elected State official's court costs, litigation  
18 expenses, and attorneys' fees, to the extent approved by the  
19 Attorney General as reasonable, as they are incurred.

20 (b-5) The Attorney General may file a counterclaim on  
21 behalf of a State employee, provided:

22 (1) the Attorney General determines that the State  
23 employee is entitled to representation in a civil action  
24 under this Section;

25 (2) the counterclaim arises out of any act or omission  
26 occurring within the scope of the employee's State

1 employment that is the subject of the civil action; and

2 (3) the employee agrees in writing that if judgment is  
3 entered in favor of the employee, the amount of the  
4 judgment shall be applied to offset any judgment that may  
5 be entered in favor of the plaintiff, and then to  
6 reimburse the State treasury for court costs and  
7 litigation expenses required to pursue the counterclaim.  
8 The balance of the collected judgment shall be paid to the  
9 State employee.

10 (c) Notwithstanding any other provision of this Section,  
11 representation and indemnification of a judge under this Act  
12 shall also be provided in any case where the plaintiff seeks  
13 damages or any equitable relief as a result of any decision,  
14 ruling or order of a judge made in the course of his or her  
15 judicial or administrative duties, without regard to the  
16 theory of recovery employed by the plaintiff. Indemnification  
17 shall be for all damages awarded and all court costs, attorney  
18 fees and litigation expenses assessed against the judge. When  
19 a judge has been convicted of a crime as a result of his or her  
20 intentional judicial misconduct in a trial, that judge shall  
21 not be entitled to indemnification and representation under  
22 this subsection in any case maintained by a party who seeks  
23 damages or other equitable relief as a direct result of the  
24 judge's intentional judicial misconduct.

25 (d) In any such proceeding where notice in accordance with  
26 this Section has been given to the Attorney General, unless

1 the court or jury finds that the conduct or inaction which gave  
2 rise to the claim or cause of action was intentional, wilful or  
3 wanton misconduct and was not intended to serve or benefit  
4 interests of the State, the State shall indemnify the State  
5 employee for any damages awarded and court costs and  
6 attorneys' fees assessed as part of any final and unreversed  
7 judgment, or shall pay such judgment. Unless the Attorney  
8 General determines that the conduct or inaction which gave  
9 rise to the claim or cause of action was intentional, wilful or  
10 wanton misconduct and was not intended to serve or benefit  
11 interests of the State, the case may be settled, in the  
12 Attorney General's discretion and with the employee's consent,  
13 and the State shall indemnify the employee for any damages,  
14 court costs and attorneys' fees agreed to as part of the  
15 settlement, or shall pay such settlement. Where the employee  
16 is represented by private counsel, any settlement must be so  
17 approved by the Attorney General and the court having  
18 jurisdiction, which shall obligate the State to indemnify the  
19 employee.

20 (e) (i) Court costs and litigation expenses and other  
21 costs of providing a defense or counterclaim, including  
22 attorneys' fees obligated under this Section, shall be paid  
23 from the State Treasury on the warrant of the Comptroller out  
24 of appropriations made to the Department of Central Management  
25 Services specifically designed for the payment of costs, fees  
26 and expenses covered by this Section.

1           (ii) Upon entry of a final judgment against the employee,  
2 or upon the settlement of the claim, the employee shall cause  
3 to be served a copy of such judgment or settlement, personally  
4 or by certified or registered mail within thirty days of the  
5 date of entry or settlement, upon the chief administrative  
6 officer of the department, office or agency in which he is  
7 employed. If not inconsistent with the provisions of this  
8 Section, such judgment or settlement shall be certified for  
9 payment by such chief administrative officer and by the  
10 Attorney General. The judgment or settlement shall be paid  
11 from the State Treasury on the warrant of the Comptroller out  
12 of appropriations made to the Department of Central Management  
13 Services specifically designed for the payment of claims  
14 covered by this Section.

15           (f) Nothing contained or implied in this Section shall  
16 operate, or be construed or applied, to deprive the State, or  
17 any employee thereof, of any defense heretofore available.

18           (g) This Section shall apply regardless of whether the  
19 employee is sued in his or her individual or official  
20 capacity.

21           (h) This Section shall not apply to claims for bodily  
22 injury or damage to property arising from motor vehicle  
23 crashes ~~accidents~~.

24           (i) This Section shall apply to all proceedings filed on  
25 or after its effective date, and to any proceeding pending on  
26 its effective date, if the State employee gives notice to the

1 Attorney General as provided in this Section within 30 days of  
2 the Act's effective date.

3 (j) The amendatory changes made to this Section by this  
4 amendatory Act of 1986 shall apply to all proceedings filed on  
5 or after the effective date of this amendatory Act of 1986 and  
6 to any proceeding pending on its effective date, if the State  
7 employee gives notice to the Attorney General as provided in  
8 this Section within 30 days of the effective date of this  
9 amendatory Act of 1986.

10 (k) This Act applies to all State officials who are  
11 serving as trustees, or their appointing authorities, of a  
12 clean energy community trust or as members of a not-for-profit  
13 foundation or corporation established pursuant to Section  
14 16-111.1 of the Public Utilities Act.

15 (l) The State shall not provide representation for, nor  
16 shall it indemnify, any State employee in (i) any criminal  
17 proceeding in which the employee is a defendant or (ii) any  
18 criminal investigation in which the employee is the target.  
19 Nothing in this Act shall be construed to prohibit the State  
20 from providing representation to a State employee who is a  
21 witness in a criminal matter arising out of that employee's  
22 State employment.

23 (Source: P.A. 99-461, eff. 1-1-17.)

24 Section 15. The Illinois Identification Card Act is  
25 amended by changing Section 11A as follows:

1 (15 ILCS 335/11A)

2 Sec. 11A. Emergency contact database.

3 (a) The Secretary of State shall establish a database of  
4 the emergency contacts of persons who hold identification  
5 cards. Information in the database shall be accessible only to  
6 employees of the Office of the Secretary and law enforcement  
7 officers employed by a law enforcement agency. Law enforcement  
8 officers may share information contained in the emergency  
9 contact database, including disabilities and special needs  
10 information, with other public safety workers on scene, as  
11 needed to conduct official law enforcement duties.

12 (b) Any person holding an identification card shall be  
13 afforded the opportunity to provide the Secretary of State, in  
14 a manner and form designated by the Secretary of State, the  
15 name, address, telephone number, and relationship to the  
16 holder of no more than 2 emergency contact persons whom the  
17 holder wishes to be contacted by a law enforcement officer if  
18 the holder is involved in a motor vehicle crash ~~accident~~ or  
19 other emergency situation and the holder is unable to  
20 communicate with the contact person or persons and may  
21 designate whether the holder has a disability or is a special  
22 needs individual. A contact person need not be the holder's  
23 next of kin.

24 (c) The Secretary shall adopt rules to implement this  
25 Section. At a minimum, the rules shall address all of the



1 following:

2 (1) the method whereby a holder may provide the  
3 Secretary of State with emergency contact, disability, and  
4 special needs information;

5 (2) the method whereby a holder may provide the  
6 Secretary of State with a change to the emergency contact,  
7 disability, and special needs information; and

8 (3) any other aspect of the database or its operation  
9 that the Secretary determines is necessary to implement  
10 this Section.

11 (d) If a person involved in a motor vehicle crash ~~accident~~  
12 or other emergency situation is unable to communicate with the  
13 contact person or persons specified in the database, a law  
14 enforcement officer shall make a good faith effort to notify  
15 the contact person or persons of the situation. Neither the  
16 law enforcement officer nor the law enforcement agency that  
17 employs that law enforcement officer incurs any liability,  
18 however, if the law enforcement officer is not able to make  
19 contact with the contact person. Except for willful or wanton  
20 misconduct, neither the law enforcement officer, nor the law  
21 enforcement agency that employs the law enforcement officer,  
22 shall incur any liability relating to the reporting or use of  
23 the database during a motor vehicle crash ~~accident~~ or other  
24 emergency situation.

25 (e) The Secretary of State shall make a good faith effort  
26 to maintain accurate data as provided by the identification

1 card holder and to provide that information to law enforcement  
2 as provided in subsection (a). The Secretary of State is not  
3 liable for any damages, costs, or expenses, including, without  
4 limitation, consequential damages, arising or resulting from  
5 any inaccurate or incomplete data or system unavailability.  
6 Except for willful or wanton misconduct, the Secretary of  
7 State shall not incur any liability relating to the reporting  
8 of disabilities or special needs individuals.

9 (f) As used in this Section:

10 "Disability" means an individual's physical or mental  
11 impairment that substantially limits one or more of the major  
12 life activities; a record of such impairment; or when the  
13 individual is regarded as having such impairment.

14 "Public safety worker" means a person employed by this  
15 State or a political subdivision thereof that provides  
16 firefighting, law enforcement, medical, or other emergency  
17 services.

18 "Special needs individuals" means those individuals who  
19 have or are at increased risk for a chronic physical,  
20 developmental, behavioral, or emotional condition and who also  
21 require health and related services of a type or amount beyond  
22 that required by individuals generally.

23 (Source: P.A. 95-898, eff. 7-1-09; 96-1168, eff. 1-1-11.)

24 Section 20. The Department of Transportation Law of the  
25 Civil Administrative Code of Illinois is amended by changing

1 Sections 2705-210 and 2705-317 as follows:

2 (20 ILCS 2705/2705-210) (was 20 ILCS 2705/49.15)

3 Sec. 2705-210. Traffic control and prevention of crashes  
4 ~~accidents~~. The Department has the power to develop,  
5 consolidate, and coordinate effective programs and activities  
6 for the advancement of driver education, for the facilitation  
7 of the movement of motor vehicle traffic, and for the  
8 protection and conservation of life and property on the  
9 streets and highways of this State and to advise, recommend,  
10 and consult with the several departments, divisions, boards,  
11 commissions, and other agencies of this State in regard to  
12 those programs and activities. The Department has the power to  
13 aid and assist the counties, cities, towns, and other  
14 political subdivisions of this State in the control of traffic  
15 and the prevention of traffic crashes ~~accidents~~. That aid and  
16 assistance to counties, cities, towns, and other political  
17 subdivisions of this State shall include assistance with  
18 regard to planning, traffic flow, light synchronizing,  
19 preferential lanes for carpools, and carpool parking  
20 allocations.

21 To further the prevention of crashes ~~accidents~~, the  
22 Department shall conduct a traffic study following the  
23 occurrence of any crash ~~accident~~ involving a pedestrian  
24 fatality that occurs at an intersection of a State highway.  
25 The study shall include, but not be limited to, consideration

1 of alternative geometric design improvements, traffic control  
2 devices, and any other improvements that the Department deems  
3 necessary. The Department shall make the results of the study  
4 available to the public on its website.

5 (Source: P.A. 102-333, eff. 1-1-22.)

6 (20 ILCS 2705/2705-317)

7 Sec. 2705-317. Safe Routes to School Construction Program.

8 (a) Upon enactment of a federal transportation bill with a  
9 dedicated fund available to states for safe routes to schools,  
10 the Department, in cooperation with the State Board of  
11 Education and the Illinois State Police, shall establish and  
12 administer a Safe Routes to School Construction Program for  
13 the construction of bicycle and pedestrian safety and  
14 traffic-calming projects using the federal Safe Routes to  
15 Schools Program funds.

16 (b) The Department shall make construction grants  
17 available to local governmental agencies under the Safe Routes  
18 to School Construction Program based on the results of a  
19 statewide competition that requires submission of Safe Routes  
20 to School proposals for funding and that rates those proposals  
21 on all of the following factors:

22 (1) Demonstrated needs of the grant applicant.

23 (2) Potential of the proposal for reducing child  
24 injuries and fatalities.

25 (3) Potential of the proposal for encouraging

1 increased walking and bicycling among students.

2 (4) Identification of safety hazards.

3 (5) Identification of current and potential walking  
4 and bicycling routes to school.

5 (6) Consultation and support for projects by  
6 school-based associations, local traffic engineers, local  
7 elected officials, law enforcement agencies, and school  
8 officials.

9 (7) Proximity to parks and other recreational  
10 facilities.

11 With respect to the use of federal Safe Routes to Schools  
12 Program funds, prior to the award of a construction grant or  
13 the use of those funds for a Safe Routes to School project  
14 encompassing a highway, the Department shall consult with and  
15 obtain approval from the Illinois State Police and the highway  
16 authority with jurisdiction to ensure that the Safe Routes to  
17 School proposal is consistent with a statewide pedestrian  
18 safety statistical analysis.

19 (c) On March 30, 2006 and each March 30th thereafter, the  
20 Department shall submit a report to the General Assembly  
21 listing and describing the projects funded under the Safe  
22 Routes to School Construction Program.

23 (d) The Department shall study the effectiveness of the  
24 Safe Routes to School Construction Program, with particular  
25 emphasis on the Program's effectiveness in reducing traffic  
26 crashes ~~accidents~~ and its contribution to improving safety and

1 reducing the number of child injuries and fatalities in the  
2 vicinity of a Safe Routes to School project. The Department  
3 shall submit a report to the General Assembly on or before  
4 December 31, 2006 regarding the results of the study.

5 (e) The Department, the State Board of Education, and the  
6 Illinois State Police may adopt any rules necessary to  
7 implement this Section.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 Section 25. The Peace Officer Fire Investigation Act is  
10 amended by changing Section 1 as follows:

11 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

12 Sec. 1. Peace officer status.

13 (a) Any person who is a sworn member of any organized and  
14 paid fire department of a political subdivision of this State  
15 and is authorized to investigate fires or explosions for such  
16 political subdivision and to determine the cause, origin and  
17 circumstances of fires or explosions that are suspected to be  
18 arson or arson-related crimes, may be classified as a peace  
19 officer by the political subdivision or agency employing such  
20 person. A person so classified shall possess the same powers  
21 of arrest, search and seizure and the securing and service of  
22 warrants as sheriffs of counties, and police officers within  
23 the jurisdiction of their political subdivision. While in the  
24 actual investigation and matters incident thereto, such person

1 may carry weapons as may be necessary, but only if that person  
2 has satisfactorily completed (1) a training program offered or  
3 approved by the Illinois Law Enforcement Training Standards  
4 Board which substantially conforms to standards promulgated  
5 pursuant to the Illinois Police Training Act and the Peace  
6 Officer and Probation Officer Firearm Training Act; and (2) a  
7 course in fire and arson investigation approved by the Office  
8 of the State Fire Marshal pursuant to the Illinois Fire  
9 Protection Training Act. Such training need not include  
10 exposure to vehicle and traffic law, traffic control and crash  
11 ~~accident~~ investigation, or first aid, but shall include  
12 training in the law relating to the rights of persons  
13 suspected of involvement in criminal activities.

14 Any person granted the powers enumerated in this  
15 subsection (a) may exercise such powers only during the actual  
16 investigation of the cause, origin and circumstances of such  
17 fires or explosions that are suspected to be arson or  
18 arson-related crimes.

19 (b) Persons employed by the Office of the State Fire  
20 Marshal to conduct arson investigations shall be designated  
21 State Fire Marshal Arson Investigator Special Agents and shall  
22 be peace officers with all of the powers of peace officers in  
23 cities and sheriffs in counties, except that they may exercise  
24 those powers throughout the State. These Special Agents may  
25 exercise these powers only when engaging in official duties  
26 during the actual investigation of the cause, origin, and

1 circumstances of such fires or explosions that are suspected  
2 to be arson or arson-related crimes and may carry weapons at  
3 all times, but only if they have satisfactorily completed (1)  
4 a training course approved by the Illinois Law Enforcement  
5 Training Standards Board that substantially conforms to the  
6 standards promulgated pursuant to the Peace Officer and  
7 Probation Officer Firearm Training Act and (2) a course in  
8 fire and arson investigation approved by the Office of the  
9 State Fire Marshal pursuant to the Illinois Fire Protection  
10 Training Act. Such training need not include exposure to  
11 vehicle and traffic law, traffic control and crash ~~accident~~  
12 investigation, or first aid, but shall include training in the  
13 law relating to the rights of persons suspected of involvement  
14 in criminal activities.

15 For purposes of this subsection (b), a "State Fire Marshal  
16 Arson Investigator Special Agent" does not include any fire  
17 investigator, fireman, police officer, or other employee of  
18 the federal government; any fire investigator, fireman, police  
19 officer, or other employee of any unit of local government; or  
20 any fire investigator, fireman, police officer, or other  
21 employee of the State of Illinois other than an employee of the  
22 Office of the State Fire Marshal assigned to investigate  
23 arson.

24 The State Fire Marshal must authorize to each employee of  
25 the Office of the State Fire Marshal who is exercising the  
26 powers of a peace officer a distinct badge that, on its face,



1 (i) clearly states that the badge is authorized by the Office  
2 of the State Fire Marshal and (ii) contains a unique  
3 identifying number. No other badge shall be authorized by the  
4 Office of the State Fire Marshal, except that a badge,  
5 different from the badge issued to peace officers, may be  
6 authorized by the Office of the State Fire Marshal for the use  
7 of fire prevention inspectors employed by that Office. Nothing  
8 in this subsection prohibits the State Fire Marshal from  
9 issuing shields or other distinctive identification to  
10 employees not exercising the powers of a peace officer if the  
11 State Fire Marshal determines that a shield or distinctive  
12 identification is needed by the employee to carry out his or  
13 her responsibilities.

14 (c) The Office of the State Fire Marshal shall establish a  
15 policy to allow a State Fire Marshal Arson Investigator  
16 Special Agent who is honorably retiring or separating in good  
17 standing to purchase either one or both of the following: (i)  
18 any badge previously issued to that State Fire Marshal Arson  
19 Investigator Special Agent; or (ii) if the State Fire Marshal  
20 Arson Investigator Special Agent has a currently valid Firearm  
21 Owner's Identification Card, the service firearm issued or  
22 previously issued to the State Fire Marshal Arson Investigator  
23 Special Agent by the Office of the State Fire Marshal. The cost  
24 of the firearm purchased shall be the replacement value of the  
25 firearm and not the firearm's fair market value. All funds  
26 received by the agency under this program shall be deposited

1 into the Fire Prevention Fund.

2 (Source: P.A. 100-931, eff. 8-17-18.)

3 Section 29. The Illinois Pension Code is amended by  
4 changing Section 1-108 as follows:

5 (40 ILCS 5/1-108) (from Ch. 108 1/2, par. 1-108)

6 Sec. 1-108. (a) In any proceeding commenced against an  
7 employee of a pension fund, alleging a civil wrong arising out  
8 of any act or omission occurring within the scope of the  
9 employee's pension fund employment, unless the court or the  
10 jury finds that the conduct which gave rise to the claim was  
11 intentional, wilful or wanton misconduct, the pension fund  
12 shall indemnify the employee for any damages awarded and court  
13 costs and attorneys' fees assessed as part of any final and  
14 unreversed judgment and any attorneys' fees, court costs and  
15 litigation expenses incurred by the employee in defending the  
16 claim. In any such proceeding if a majority of the board or  
17 trustees who are not a party to the action determine that the  
18 conduct which gave rise to the claim was not intentional,  
19 wilful or wanton misconduct, the board or trustees may agree  
20 to settlement of the proceeding and the pension fund shall  
21 indemnify the employee for any damages, court costs and  
22 attorneys' fees agreed to as part of the settlement and any  
23 attorneys' fees, court costs and litigation expenses incurred  
24 in defending the claim.

1 (b) No employee of a pension fund shall be entitled to  
2 indemnification under this Section unless within 15 days after  
3 receipt by the employee of service of process, he shall give  
4 written notice of such proceeding to the pension fund.

5 (c) Each pension fund may insure against loss or liability  
6 of employees which may arise as a result of these claims. This  
7 insurance shall be carried by a company authorized to provide  
8 such coverage in this State.

9 (d) Nothing contained or implied in this Section shall  
10 operate, or be construed or applied, to deprive the State or a  
11 pension fund, or any other employee thereof, of any immunity  
12 or any defense heretofore available.

13 (e) This Section shall apply regardless of whether the  
14 employee is sued in his or her individual or official  
15 capacity.

16 (f) This Section shall not apply to claims for bodily  
17 injury or damage to property arising from motor vehicle  
18 crashes ~~accidents~~.

19 (g) This Section shall apply to all proceedings filed on  
20 or after its effective date, and to any proceeding pending on  
21 its effective date, if the pension fund employee gives notice  
22 to the pension fund within 30 days of the Act's effective date.

23 (Source: P.A. 80-1078.)

24 Section 30. The Illinois Police Training Act is amended by  
25 changing Section 7 as follows:

1 (50 ILCS 705/7)

2 (Text of Section before amendment by P.A. 102-345)

3 Sec. 7. Rules and standards for schools. The Board shall  
4 adopt rules and minimum standards for such schools which shall  
5 include, but not be limited to, the following:

6 a. The curriculum for probationary law enforcement  
7 officers which shall be offered by all certified schools  
8 shall include, but not be limited to, courses of  
9 procedural justice, arrest and use and control tactics,  
10 search and seizure, including temporary questioning, civil  
11 rights, human rights, human relations, cultural  
12 competency, including implicit bias and racial and ethnic  
13 sensitivity, criminal law, law of criminal procedure,  
14 constitutional and proper use of law enforcement  
15 authority, crisis intervention training, vehicle and  
16 traffic law including uniform and non-discriminatory  
17 enforcement of the Illinois Vehicle Code, traffic control  
18 and crash ~~accident~~ investigation, techniques of obtaining  
19 physical evidence, court testimonies, statements, reports,  
20 firearms training, training in the use of electronic  
21 control devices, including the psychological and  
22 physiological effects of the use of those devices on  
23 humans, first-aid (including cardiopulmonary  
24 resuscitation), training in the administration of opioid  
25 antagonists as defined in paragraph (1) of subsection (e)

1 of Section 5-23 of the Substance Use Disorder Act,  
2 handling of juvenile offenders, recognition of mental  
3 conditions and crises, including, but not limited to, the  
4 disease of addiction, which require immediate assistance  
5 and response and methods to safeguard and provide  
6 assistance to a person in need of mental treatment,  
7 recognition of abuse, neglect, financial exploitation, and  
8 self-neglect of adults with disabilities and older adults,  
9 as defined in Section 2 of the Adult Protective Services  
10 Act, crimes against the elderly, law of evidence, the  
11 hazards of high-speed police vehicle chases with an  
12 emphasis on alternatives to the high-speed chase, and  
13 physical training. The curriculum shall include specific  
14 training in techniques for immediate response to and  
15 investigation of cases of domestic violence and of sexual  
16 assault of adults and children, including cultural  
17 perceptions and common myths of sexual assault and sexual  
18 abuse as well as interview techniques that are age  
19 sensitive and are trauma informed, victim centered, and  
20 victim sensitive. The curriculum shall include training in  
21 techniques designed to promote effective communication at  
22 the initial contact with crime victims and ways to  
23 comprehensively explain to victims and witnesses their  
24 rights under the Rights of Crime Victims and Witnesses Act  
25 and the Crime Victims Compensation Act. The curriculum  
26 shall also include training in effective recognition of

1 and responses to stress, trauma, and post-traumatic stress  
2 experienced by law enforcement officers that is consistent  
3 with Section 25 of the Illinois Mental Health First Aid  
4 Training Act in a peer setting, including recognizing  
5 signs and symptoms of work-related cumulative stress,  
6 issues that may lead to suicide, and solutions for  
7 intervention with peer support resources. The curriculum  
8 shall include a block of instruction addressing the  
9 mandatory reporting requirements under the Abused and  
10 Neglected Child Reporting Act. The curriculum shall also  
11 include a block of instruction aimed at identifying and  
12 interacting with persons with autism and other  
13 developmental or physical disabilities, reducing barriers  
14 to reporting crimes against persons with autism, and  
15 addressing the unique challenges presented by cases  
16 involving victims or witnesses with autism and other  
17 developmental disabilities. The curriculum shall include  
18 training in the detection and investigation of all forms  
19 of human trafficking. The curriculum shall also include  
20 instruction in trauma-informed responses designed to  
21 ensure the physical safety and well-being of a child of an  
22 arrested parent or immediate family member; this  
23 instruction must include, but is not limited to: (1)  
24 understanding the trauma experienced by the child while  
25 maintaining the integrity of the arrest and safety of  
26 officers, suspects, and other involved individuals; (2)

1 de-escalation tactics that would include the use of force  
2 when reasonably necessary; and (3) inquiring whether a  
3 child will require supervision and care. The curriculum  
4 for probationary law enforcement officers shall include:  
5 (1) at least 12 hours of hands-on, scenario-based  
6 role-playing; (2) at least 6 hours of instruction on use  
7 of force techniques, including the use of de-escalation  
8 techniques to prevent or reduce the need for force  
9 whenever safe and feasible; (3) specific training on  
10 officer safety techniques, including cover, concealment,  
11 and time; and (4) at least 6 hours of training focused on  
12 high-risk traffic stops. The curriculum for permanent law  
13 enforcement officers shall include, but not be limited to:  
14 (1) refresher and in-service training in any of the  
15 courses listed above in this subparagraph, (2) advanced  
16 courses in any of the subjects listed above in this  
17 subparagraph, (3) training for supervisory personnel, and  
18 (4) specialized training in subjects and fields to be  
19 selected by the board. The training in the use of  
20 electronic control devices shall be conducted for  
21 probationary law enforcement officers, including  
22 University police officers.

23 b. Minimum courses of study, attendance requirements  
24 and equipment requirements.

25 c. Minimum requirements for instructors.

26 d. Minimum basic training requirements, which a

1       probationary law enforcement officer must satisfactorily  
2       complete before being eligible for permanent employment as  
3       a local law enforcement officer for a participating local  
4       governmental or State governmental agency. Those  
5       requirements shall include training in first aid  
6       (including cardiopulmonary resuscitation).

7       e. Minimum basic training requirements, which a  
8       probationary county corrections officer must  
9       satisfactorily complete before being eligible for  
10      permanent employment as a county corrections officer for a  
11      participating local governmental agency.

12      f. Minimum basic training requirements which a  
13      probationary court security officer must satisfactorily  
14      complete before being eligible for permanent employment as  
15      a court security officer for a participating local  
16      governmental agency. The Board shall establish those  
17      training requirements which it considers appropriate for  
18      court security officers and shall certify schools to  
19      conduct that training.

20      A person hired to serve as a court security officer  
21      must obtain from the Board a certificate (i) attesting to  
22      the officer's successful completion of the training  
23      course; (ii) attesting to the officer's satisfactory  
24      completion of a training program of similar content and  
25      number of hours that has been found acceptable by the  
26      Board under the provisions of this Act; or (iii) attesting



1 to the Board's determination that the training course is  
2 unnecessary because of the person's extensive prior law  
3 enforcement experience.

4 Individuals who currently serve as court security  
5 officers shall be deemed qualified to continue to serve in  
6 that capacity so long as they are certified as provided by  
7 this Act within 24 months of June 1, 1997 (the effective  
8 date of Public Act 89-685). Failure to be so certified,  
9 absent a waiver from the Board, shall cause the officer to  
10 forfeit his or her position.

11 All individuals hired as court security officers on or  
12 after June 1, 1997 (the effective date of Public Act  
13 89-685) shall be certified within 12 months of the date of  
14 their hire, unless a waiver has been obtained by the  
15 Board, or they shall forfeit their positions.

16 The Sheriff's Merit Commission, if one exists, or the  
17 Sheriff's Office if there is no Sheriff's Merit  
18 Commission, shall maintain a list of all individuals who  
19 have filed applications to become court security officers  
20 and who meet the eligibility requirements established  
21 under this Act. Either the Sheriff's Merit Commission, or  
22 the Sheriff's Office if no Sheriff's Merit Commission  
23 exists, shall establish a schedule of reasonable intervals  
24 for verification of the applicants' qualifications under  
25 this Act and as established by the Board.

26 g. Minimum in-service training requirements, which a

1 law enforcement officer must satisfactorily complete every  
2 3 years. Those requirements shall include constitutional  
3 and proper use of law enforcement authority, procedural  
4 justice, civil rights, human rights, reporting child abuse  
5 and neglect, and cultural competency, including implicit  
6 bias and racial and ethnic sensitivity. These trainings  
7 shall consist of at least 30 hours of training every 3  
8 years.

9 h. Minimum in-service training requirements, which a  
10 law enforcement officer must satisfactorily complete at  
11 least annually. Those requirements shall include law  
12 updates, emergency medical response training and  
13 certification, crisis intervention training, and officer  
14 wellness and mental health.

15 i. Minimum in-service training requirements as set  
16 forth in Section 10.6.

17 The amendatory changes to this Section made by Public Act  
18 101-652 shall take effect January 1, 2022.

19 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;  
20 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.  
21 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section  
22 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.  
23 1-1-22; 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; revised  
24 10-5-21.)

25 (Text of Section after amendment by P.A. 102-345)

1           Sec. 7. Rules and standards for schools. The Board shall  
2 adopt rules and minimum standards for such schools which shall  
3 include, but not be limited to, the following:

4           a. The curriculum for probationary law enforcement  
5 officers which shall be offered by all certified schools  
6 shall include, but not be limited to, courses of  
7 procedural justice, arrest and use and control tactics,  
8 search and seizure, including temporary questioning, civil  
9 rights, human rights, human relations, cultural  
10 competency, including implicit bias and racial and ethnic  
11 sensitivity, criminal law, law of criminal procedure,  
12 constitutional and proper use of law enforcement  
13 authority, crisis intervention training, vehicle and  
14 traffic law including uniform and non-discriminatory  
15 enforcement of the Illinois Vehicle Code, traffic control  
16 and crash ~~accident~~ investigation, techniques of obtaining  
17 physical evidence, court testimonies, statements, reports,  
18 firearms training, training in the use of electronic  
19 control devices, including the psychological and  
20 physiological effects of the use of those devices on  
21 humans, first-aid (including cardiopulmonary  
22 resuscitation), training in the administration of opioid  
23 antagonists as defined in paragraph (1) of subsection (e)  
24 of Section 5-23 of the Substance Use Disorder Act,  
25 handling of juvenile offenders, recognition of mental  
26 conditions and crises, including, but not limited to, the

1 disease of addiction, which require immediate assistance  
2 and response and methods to safeguard and provide  
3 assistance to a person in need of mental treatment,  
4 recognition of abuse, neglect, financial exploitation, and  
5 self-neglect of adults with disabilities and older adults,  
6 as defined in Section 2 of the Adult Protective Services  
7 Act, crimes against the elderly, law of evidence, the  
8 hazards of high-speed police vehicle chases with an  
9 emphasis on alternatives to the high-speed chase, and  
10 physical training. The curriculum shall include specific  
11 training in techniques for immediate response to and  
12 investigation of cases of domestic violence and of sexual  
13 assault of adults and children, including cultural  
14 perceptions and common myths of sexual assault and sexual  
15 abuse as well as interview techniques that are age  
16 sensitive and are trauma informed, victim centered, and  
17 victim sensitive. The curriculum shall include training in  
18 techniques designed to promote effective communication at  
19 the initial contact with crime victims and ways to  
20 comprehensively explain to victims and witnesses their  
21 rights under the Rights of Crime Victims and Witnesses Act  
22 and the Crime Victims Compensation Act. The curriculum  
23 shall also include training in effective recognition of  
24 and responses to stress, trauma, and post-traumatic stress  
25 experienced by law enforcement officers that is consistent  
26 with Section 25 of the Illinois Mental Health First Aid

1 Training Act in a peer setting, including recognizing  
2 signs and symptoms of work-related cumulative stress,  
3 issues that may lead to suicide, and solutions for  
4 intervention with peer support resources. The curriculum  
5 shall include a block of instruction addressing the  
6 mandatory reporting requirements under the Abused and  
7 Neglected Child Reporting Act. The curriculum shall also  
8 include a block of instruction aimed at identifying and  
9 interacting with persons with autism and other  
10 developmental or physical disabilities, reducing barriers  
11 to reporting crimes against persons with autism, and  
12 addressing the unique challenges presented by cases  
13 involving victims or witnesses with autism and other  
14 developmental disabilities. The curriculum shall include  
15 training in the detection and investigation of all forms  
16 of human trafficking. The curriculum shall also include  
17 instruction in trauma-informed responses designed to  
18 ensure the physical safety and well-being of a child of an  
19 arrested parent or immediate family member; this  
20 instruction must include, but is not limited to: (1)  
21 understanding the trauma experienced by the child while  
22 maintaining the integrity of the arrest and safety of  
23 officers, suspects, and other involved individuals; (2)  
24 de-escalation tactics that would include the use of force  
25 when reasonably necessary; and (3) inquiring whether a  
26 child will require supervision and care. The curriculum

1 for probationary law enforcement officers shall include:

2 (1) at least 12 hours of hands-on, scenario-based  
3 role-playing; (2) at least 6 hours of instruction on use  
4 of force techniques, including the use of de-escalation  
5 techniques to prevent or reduce the need for force  
6 whenever safe and feasible; (3) specific training on  
7 officer safety techniques, including cover, concealment,  
8 and time; and (4) at least 6 hours of training focused on  
9 high-risk traffic stops. The curriculum for permanent law  
10 enforcement officers shall include, but not be limited to:  
11 (1) refresher and in-service training in any of the  
12 courses listed above in this subparagraph, (2) advanced  
13 courses in any of the subjects listed above in this  
14 subparagraph, (3) training for supervisory personnel, and  
15 (4) specialized training in subjects and fields to be  
16 selected by the board. The training in the use of  
17 electronic control devices shall be conducted for  
18 probationary law enforcement officers, including  
19 University police officers. The curriculum shall also  
20 include training on the use of a firearms restraining  
21 order by providing instruction on the process used to file  
22 a firearms restraining order and how to identify  
23 situations in which a firearms restraining order is  
24 appropriate.

25 b. Minimum courses of study, attendance requirements  
26 and equipment requirements.

1 c. Minimum requirements for instructors.

2 d. Minimum basic training requirements, which a  
3 probationary law enforcement officer must satisfactorily  
4 complete before being eligible for permanent employment as  
5 a local law enforcement officer for a participating local  
6 governmental or State governmental agency. Those  
7 requirements shall include training in first aid  
8 (including cardiopulmonary resuscitation).

9 e. Minimum basic training requirements, which a  
10 probationary county corrections officer must  
11 satisfactorily complete before being eligible for  
12 permanent employment as a county corrections officer for a  
13 participating local governmental agency.

14 f. Minimum basic training requirements which a  
15 probationary court security officer must satisfactorily  
16 complete before being eligible for permanent employment as  
17 a court security officer for a participating local  
18 governmental agency. The Board shall establish those  
19 training requirements which it considers appropriate for  
20 court security officers and shall certify schools to  
21 conduct that training.

22 A person hired to serve as a court security officer  
23 must obtain from the Board a certificate (i) attesting to  
24 the officer's successful completion of the training  
25 course; (ii) attesting to the officer's satisfactory  
26 completion of a training program of similar content and

1 number of hours that has been found acceptable by the  
2 Board under the provisions of this Act; or (iii) attesting  
3 to the Board's determination that the training course is  
4 unnecessary because of the person's extensive prior law  
5 enforcement experience.

6 Individuals who currently serve as court security  
7 officers shall be deemed qualified to continue to serve in  
8 that capacity so long as they are certified as provided by  
9 this Act within 24 months of June 1, 1997 (the effective  
10 date of Public Act 89-685). Failure to be so certified,  
11 absent a waiver from the Board, shall cause the officer to  
12 forfeit his or her position.

13 All individuals hired as court security officers on or  
14 after June 1, 1997 (the effective date of Public Act  
15 89-685) shall be certified within 12 months of the date of  
16 their hire, unless a waiver has been obtained by the  
17 Board, or they shall forfeit their positions.

18 The Sheriff's Merit Commission, if one exists, or the  
19 Sheriff's Office if there is no Sheriff's Merit  
20 Commission, shall maintain a list of all individuals who  
21 have filed applications to become court security officers  
22 and who meet the eligibility requirements established  
23 under this Act. Either the Sheriff's Merit Commission, or  
24 the Sheriff's Office if no Sheriff's Merit Commission  
25 exists, shall establish a schedule of reasonable intervals  
26 for verification of the applicants' qualifications under



1           this Act and as established by the Board.

2           g. Minimum in-service training requirements, which a  
3           law enforcement officer must satisfactorily complete every  
4           3 years. Those requirements shall include constitutional  
5           and proper use of law enforcement authority, procedural  
6           justice, civil rights, human rights, reporting child abuse  
7           and neglect, and cultural competency, including implicit  
8           bias and racial and ethnic sensitivity. These trainings  
9           shall consist of at least 30 hours of training every 3  
10          years.

11          h. Minimum in-service training requirements, which a  
12          law enforcement officer must satisfactorily complete at  
13          least annually. Those requirements shall include law  
14          updates, emergency medical response training and  
15          certification, crisis intervention training, and officer  
16          wellness and mental health.

17          i. Minimum in-service training requirements as set  
18          forth in Section 10.6.

19          The amendatory changes to this Section made by Public Act  
20          101-652 shall take effect January 1, 2022.

21          (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;  
22          101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.  
23          8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section  
24          10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.  
25          1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,  
26          eff. 8-20-21; revised 10-5-21.)

1           Section 35. The Uniform Crime Reporting Act is amended by  
2 changing Section 5-5 as follows:

3           (50 ILCS 709/5-5)

4           Sec. 5-5. Definitions. As used in this Act:

5           "Arrest-related death" means any death of an individual  
6 while the individual's freedom to leave is restricted by a law  
7 enforcement officer while the officer is on duty, or otherwise  
8 acting within the scope of his or her employment, including  
9 any death resulting from a motor vehicle crash ~~accident~~, if  
10 the law enforcement officer was engaged in direct action  
11 against the individual or the individual's vehicle during the  
12 process of apprehension. "Arrest-related death" does not  
13 include the death of law enforcement personnel.

14           "Domestic crime" means any crime attempted or committed  
15 between a victim and offender who have a domestic  
16 relationship, both current and past.

17           "Hate crime" has the same meaning as defined under Section  
18 12-7.1 of the Criminal Code of 2012.

19           "Law enforcement agency" means an agency of this State or  
20 unit of local government which is vested by law or ordinance  
21 with the duty to maintain public order and to enforce criminal  
22 law or ordinances.

23           "Law enforcement officer" or "officer" means any officer,  
24 agent, or employee of this State or a unit of local government

1 authorized by law or by a government agency to engage in or  
2 supervise the prevention, detection, or investigation of any  
3 violation of criminal law, or authorized by law to supervise  
4 accused persons or sentenced criminal offenders.

5 (Source: P.A. 102-538, eff. 8-20-21.)

6 Section 40. The Police and Community Relations Improvement  
7 Act is amended by changing Sections 1-5 and 1-10 as follows:

8 (50 ILCS 727/1-5)

9 Sec. 1-5. Definitions. As used in this Act:

10 "Law enforcement agency" means an agency of this State or  
11 unit of local government which is vested by law or ordinance  
12 with the duty to maintain public order and to enforce criminal  
13 laws or ordinances.

14 "Law enforcement officer" or "officer" means any person  
15 employed by a State, county, or municipality as a policeman,  
16 peace officer, or in some like position involving the  
17 enforcement of the law and protection of public interest at  
18 the risk of the person's life.

19 "Officer-involved death" means any death of an individual  
20 that results directly from an action or directly from an  
21 intentional omission, including unreasonable delay involving a  
22 person in custody or intentional failure to seek medical  
23 attention when the need for treatment is apparent, of a law  
24 enforcement officer while the officer is on duty, or otherwise

1 acting within the scope of his or her employment, or while the  
2 officer is off duty, but performing activities that are within  
3 the scope of his or her law enforcement duties.  
4 "Officer-involved death" includes any death resulting from a  
5 motor vehicle crash ~~accident~~, if the law enforcement officer  
6 was engaged in law enforcement activity involving the  
7 individual or the individual's vehicle in the process of  
8 apprehension or attempt to apprehend.

9 (Source: P.A. 99-352, eff. 1-1-16.)

10 (50 ILCS 727/1-10)

11 Sec. 1-10. Investigation of officer-involved deaths;  
12 requirements.

13 (a) Each law enforcement agency shall have a written  
14 policy regarding the investigation of officer-involved deaths  
15 that involve a law enforcement officer employed by that law  
16 enforcement agency.

17 (b) Each officer-involved death investigation shall be  
18 conducted by at least 2 investigators, or an entity or agency  
19 comprised of at least 2 investigators, one of whom is the lead  
20 investigator. The lead investigator shall be a person  
21 certified by the Illinois Law Enforcement Training Standards  
22 Board as a Lead Homicide Investigator, or similar training  
23 approved by the Illinois Law Enforcement Training Standards  
24 Board or the Illinois State Police, or similar training  
25 provided at an Illinois Law Enforcement Training Standards

1 Board certified school. No investigator involved in the  
2 investigation may be employed by the law enforcement agency  
3 that employs the officer involved in the officer-involved  
4 death, unless the investigator is employed by the Illinois  
5 State Police and is not assigned to the same division or unit  
6 as the officer involved in the death.

7 (c) In addition to the requirements of subsection (b) of  
8 this Section, if the officer-involved death being investigated  
9 involves a motor vehicle crash ~~accident~~, at least one  
10 investigator shall be certified by the Illinois Law  
11 Enforcement Training Standards Board as a Crash Reconstruction  
12 Specialist, or similar training approved by the Illinois Law  
13 Enforcement Training Standards Board or the Illinois State  
14 Police, or similar training provided at an Illinois Law  
15 Enforcement Training Standards Board certified school.  
16 Notwithstanding the requirements of subsection (b) of this  
17 Section, the policy for a law enforcement agency, when the  
18 officer-involved death being investigated involves a motor  
19 vehicle collision, may allow the use of an investigator who is  
20 employed by that law enforcement agency and who is certified  
21 by the Illinois Law Enforcement Training Standards Board as a  
22 Crash Reconstruction Specialist, or similar training approved  
23 by the Illinois Law Enforcement Training and Standards Board,  
24 or similar certified training approved by the Illinois State  
25 Police, or similar training provided at an Illinois Law  
26 Enforcement Training and Standards Board certified school.

1 (d) The investigators conducting the investigation shall,  
2 in an expeditious manner, provide a complete report to the  
3 State's Attorney of the county in which the officer-involved  
4 death occurred.

5 (e) If the State's Attorney, or a designated special  
6 prosecutor, determines there is no basis to prosecute the law  
7 enforcement officer involved in the officer-involved death, or  
8 if the law enforcement officer is not otherwise charged or  
9 indicted, the investigators shall publicly release a report.  
10 (Source: P.A. 102-538, eff. 8-20-21.)

11 Section 45. The Counties Code is amended by changing  
12 Sections 3-3013 and 5-1182 as follows:

13 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

14 Sec. 3-3013. Preliminary investigations; blood and urine  
15 analysis; summoning jury; reports. Every coroner, whenever,  
16 as soon as he knows or is informed that the dead body of any  
17 person is found, or lying within his county, whose death is  
18 suspected of being:

19 (a) A sudden or violent death, whether apparently  
20 suicidal, homicidal or accidental, including but not  
21 limited to deaths apparently caused or contributed to by  
22 thermal, traumatic, chemical, electrical or radiational  
23 injury, or a complication of any of them, or by drowning or  
24 suffocation, or as a result of domestic violence as

1 defined in the Illinois Domestic Violence Act of 1986;

2 (b) A death due to a sex crime;

3 (c) A death where the circumstances are suspicious,  
4 obscure, mysterious or otherwise unexplained or where, in  
5 the written opinion of the attending physician, the cause  
6 of death is not determined;

7 (d) A death where addiction to alcohol or to any drug  
8 may have been a contributory cause; or

9 (e) A death where the decedent was not attended by a  
10 licensed physician;

11 shall go to the place where the dead body is, and take charge  
12 of the same and shall make a preliminary investigation into  
13 the circumstances of the death. In the case of death without  
14 attendance by a licensed physician the body may be moved with  
15 the coroner's consent from the place of death to a mortuary in  
16 the same county. Coroners in their discretion shall notify  
17 such physician as is designated in accordance with Section  
18 3-3014 to attempt to ascertain the cause of death, either by  
19 autopsy or otherwise.

20 In cases of accidental death involving a motor vehicle in  
21 which the decedent was (1) the operator or a suspected  
22 operator of a motor vehicle, or (2) a pedestrian 16 years of  
23 age or older, the coroner shall require that a blood specimen  
24 of at least 30 cc., and if medically possible a urine specimen  
25 of at least 30 cc. or as much as possible up to 30 cc., be  
26 withdrawn from the body of the decedent in a timely fashion

1 after the crash ~~accident~~ causing his death, by such physician  
2 as has been designated in accordance with Section 3-3014, or  
3 by the coroner or deputy coroner or a qualified person  
4 designated by such physician, coroner, or deputy coroner. If  
5 the county does not maintain laboratory facilities for making  
6 such analysis, the blood and urine so drawn shall be sent to  
7 the Illinois State Police or any other accredited or  
8 State-certified laboratory for analysis of the alcohol, carbon  
9 monoxide, and dangerous or narcotic drug content of such blood  
10 and urine specimens. Each specimen submitted shall be  
11 accompanied by pertinent information concerning the decedent  
12 upon a form prescribed by such laboratory. Any person drawing  
13 blood and urine and any person making any examination of the  
14 blood and urine under the terms of this Division shall be  
15 immune from all liability, civil or criminal, that might  
16 otherwise be incurred or imposed.

17 In all other cases coming within the jurisdiction of the  
18 coroner and referred to in subparagraphs (a) through (e)  
19 above, blood, and whenever possible, urine samples shall be  
20 analyzed for the presence of alcohol and other drugs. When the  
21 coroner suspects that drugs may have been involved in the  
22 death, either directly or indirectly, a toxicological  
23 examination shall be performed which may include analyses of  
24 blood, urine, bile, gastric contents and other tissues. When  
25 the coroner suspects a death is due to toxic substances, other  
26 than drugs, the coroner shall consult with the toxicologist



1 prior to collection of samples. Information submitted to the  
2 toxicologist shall include information as to height, weight,  
3 age, sex and race of the decedent as well as medical history,  
4 medications used by and the manner of death of decedent.

5 When the coroner or medical examiner finds that the cause  
6 of death is due to homicidal means, the coroner or medical  
7 examiner shall cause blood and buccal specimens (tissue may be  
8 submitted if no uncontaminated blood or buccal specimen can be  
9 obtained), whenever possible, to be withdrawn from the body of  
10 the decedent in a timely fashion. For proper preservation of  
11 the specimens, collected blood and buccal specimens shall be  
12 dried and tissue specimens shall be frozen if available  
13 equipment exists. As soon as possible, but no later than 30  
14 days after the collection of the specimens, the coroner or  
15 medical examiner shall release those specimens to the police  
16 agency responsible for investigating the death. As soon as  
17 possible, but no later than 30 days after the receipt from the  
18 coroner or medical examiner, the police agency shall submit  
19 the specimens using the agency case number to a National DNA  
20 Index System (NDIS) participating laboratory within this  
21 State, such as the Illinois State Police, Division of Forensic  
22 Services, for analysis and categorizing into genetic marker  
23 groupings. The results of the analysis and categorizing into  
24 genetic marker groupings shall be provided to the Illinois  
25 State Police and shall be maintained by the Illinois State  
26 Police in the State central repository in the same manner, and

1 subject to the same conditions, as provided in Section 5-4-3  
2 of the Unified Code of Corrections. The requirements of this  
3 paragraph are in addition to any other findings, specimens, or  
4 information that the coroner or medical examiner is required  
5 to provide during the conduct of a criminal investigation.

6 In all counties, in cases of apparent suicide, homicide,  
7 or accidental death or in other cases, within the discretion  
8 of the coroner, the coroner may summon 8 persons of lawful age  
9 from those persons drawn for petit jurors in the county. The  
10 summons shall command these persons to present themselves  
11 personally at such a place and time as the coroner shall  
12 determine, and may be in any form which the coroner shall  
13 determine and may incorporate any reasonable form of request  
14 for acknowledgment which the coroner deems practical and  
15 provides a reliable proof of service. The summons may be  
16 served by first class mail. From the 8 persons so summoned, the  
17 coroner shall select 6 to serve as the jury for the inquest.  
18 Inquests may be continued from time to time, as the coroner may  
19 deem necessary. The 6 jurors selected in a given case may view  
20 the body of the deceased. If at any continuation of an inquest  
21 one or more of the original jurors shall be unable to continue  
22 to serve, the coroner shall fill the vacancy or vacancies. A  
23 juror serving pursuant to this paragraph shall receive  
24 compensation from the county at the same rate as the rate of  
25 compensation that is paid to petit or grand jurors in the  
26 county. The coroner shall furnish to each juror without fee at

1 the time of his discharge a certificate of the number of days  
2 in attendance at an inquest, and, upon being presented with  
3 such certificate, the county treasurer shall pay to the juror  
4 the sum provided for his services.

5 In counties which have a jury commission, in cases of  
6 apparent suicide or homicide or of accidental death, the  
7 coroner may conduct an inquest. The jury commission shall  
8 provide at least 8 jurors to the coroner, from whom the coroner  
9 shall select any 6 to serve as the jury for the inquest.  
10 Inquests may be continued from time to time as the coroner may  
11 deem necessary. The 6 jurors originally chosen in a given case  
12 may view the body of the deceased. If at any continuation of an  
13 inquest one or more of the 6 jurors originally chosen shall be  
14 unable to continue to serve, the coroner shall fill the  
15 vacancy or vacancies. At the coroner's discretion, additional  
16 jurors to fill such vacancies shall be supplied by the jury  
17 commission. A juror serving pursuant to this paragraph in such  
18 county shall receive compensation from the county at the same  
19 rate as the rate of compensation that is paid to petit or grand  
20 jurors in the county.

21 In every case in which a fire is determined to be a  
22 contributing factor in a death, the coroner shall report the  
23 death to the Office of the State Fire Marshal. The coroner  
24 shall provide a copy of the death certificate (i) within 30  
25 days after filing the permanent death certificate and (ii) in  
26 a manner that is agreed upon by the coroner and the State Fire

1 Marshal.

2 In every case in which a drug overdose is determined to be  
3 the cause or a contributing factor in the death, the coroner or  
4 medical examiner shall report the death to the Department of  
5 Public Health. The Department of Public Health shall adopt  
6 rules regarding specific information that must be reported in  
7 the event of such a death. If possible, the coroner shall  
8 report the cause of the overdose. As used in this Section,  
9 "overdose" has the same meaning as it does in Section 414 of  
10 the Illinois Controlled Substances Act. The Department of  
11 Public Health shall issue a semiannual report to the General  
12 Assembly summarizing the reports received. The Department  
13 shall also provide on its website a monthly report of overdose  
14 death figures organized by location, age, and any other  
15 factors, the Department deems appropriate.

16 In addition, in every case in which domestic violence is  
17 determined to be a contributing factor in a death, the coroner  
18 shall report the death to the Illinois State Police.

19 All deaths in State institutions and all deaths of wards  
20 of the State or youth in care as defined in Section 4d of the  
21 Children and Family Services Act in private care facilities or  
22 in programs funded by the Department of Human Services under  
23 its powers relating to mental health and developmental  
24 disabilities or alcoholism and substance abuse or funded by  
25 the Department of Children and Family Services shall be  
26 reported to the coroner of the county in which the facility is

1 located. If the coroner has reason to believe that an  
2 investigation is needed to determine whether the death was  
3 caused by maltreatment or negligent care of the ward of the  
4 State or youth in care as defined in Section 4d of the Children  
5 and Family Services Act, the coroner may conduct a preliminary  
6 investigation of the circumstances of such death as in cases  
7 of death under circumstances set forth in paragraphs (a)  
8 through (e) of this Section.

9 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21.)

10 (55 ILCS 5/5-1182)

11 Sec. 5-1182. Charitable organizations; solicitation.

12 (a) No county may prohibit a charitable organization, as  
13 defined in Section 2 of the Charitable Games Act, from  
14 soliciting for charitable purposes, including solicitations  
15 taking place on public roadways from passing motorists, if all  
16 of the following requirements are met.

17 (1) The persons to be engaged in the solicitation are  
18 law enforcement personnel, firefighters, or other persons  
19 employed to protect the public safety of a local agency,  
20 and those persons are soliciting solely in an area that is  
21 within the service area of that local agency.

22 (2) The charitable organization files an application  
23 with the county having jurisdiction over the location or  
24 locations where the solicitation is to occur. The  
25 applications shall be filed not later than 10 business

1 days before the date that the solicitation is to begin and  
2 shall include all of the following:

3 (A) The date or dates and times of day when the  
4 solicitation is to occur.

5 (B) The location or locations where the  
6 solicitation is to occur along with a list of 3  
7 alternate locations listed in order of preference.

8 (C) The manner and conditions under which the  
9 solicitation is to occur.

10 (D) Proof of a valid liability insurance policy in  
11 the amount of at least \$1,000,000 insuring the charity  
12 or local agency against bodily injury and property  
13 damage arising out of or in connection with the  
14 solicitation.

15 The county shall approve the application within 5 business  
16 days after the filing date of the application, but may impose  
17 reasonable conditions in writing that are consistent with the  
18 intent of this Section and are based on articulated public  
19 safety concerns. If the county determines that the applicant's  
20 location cannot be permitted due to significant safety  
21 concerns, such as high traffic volumes, poor geometrics,  
22 construction, maintenance operations, or past crash ~~accident~~  
23 history, then the county may deny the application for that  
24 location and must approve one of the 3 alternate locations  
25 following the order of preference submitted by the applicant  
26 on the alternate location list. By acting under this Section,

1 a local agency does not waive or limit any immunity from  
2 liability provided by any other provision of law.

3 (b) For purposes of this Section, "local agency" means a  
4 county, special district, fire district, joint powers of  
5 authority, or other political subdivision of the State of  
6 Illinois.

7 (c) A home rule unit may not regulate a charitable  
8 organization in a manner that is inconsistent with this  
9 Section. This Section is a limitation under subsection (i) of  
10 Section 6 of Article VII of the Illinois Constitution on the  
11 concurrent exercise by home rule units of powers and functions  
12 exercised by the State.

13 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13.)

14 Section 50. The Illinois Municipal Code is amended by  
15 changing Section 11-80-9 as follows:

16 (65 ILCS 5/11-80-9) (from Ch. 24, par. 11-80-9)

17 Sec. 11-80-9. The corporate authorities of each  
18 municipality may prevent and regulate all amusements and  
19 activities having a tendency to annoy or endanger persons or  
20 property on the sidewalks, streets, and other municipal  
21 property. However, no municipality may prohibit a charitable  
22 organization, as defined in Section 2 of the Charitable Games  
23 Act, from soliciting for charitable purposes, including  
24 solicitations taking place on public roadways from passing

1 motorists, if all of the following requirements are met.

2 (1) The persons to be engaged in the solicitation are  
3 law enforcement personnel, firefighters, or other persons  
4 employed to protect the public safety of a local agency,  
5 and that are soliciting solely in an area that is within  
6 the service area of that local agency.

7 (2) The charitable organization files an application  
8 with the municipality having jurisdiction over the  
9 location or locations where the solicitation is to occur.  
10 The application shall be filed not later than 10 business  
11 days before the date that the solicitation is to begin and  
12 shall include all of the following:

13 (A) The date or dates and times of day when the  
14 solicitation is to occur.

15 (B) The location or locations where the  
16 solicitation is to occur along with a list of 3  
17 alternate locations listed in order of preference.

18 (C) The manner and conditions under which the  
19 solicitation is to occur.

20 (D) Proof of a valid liability insurance policy in  
21 the amount of at least \$1,000,000 insuring the charity  
22 or local agency against bodily injury and property  
23 damage arising out of or in connection with the  
24 solicitation.

25 The municipality shall approve the application within 5  
26 business days after the filing date of the application, but



1 may impose reasonable conditions in writing that are  
2 consistent with the intent of this Section and are based on  
3 articulated public safety concerns. If the municipality  
4 determines that the applicant's location cannot be permitted  
5 due to significant safety concerns, such as high traffic  
6 volumes, poor geometrics, construction, maintenance  
7 operations, or past crash ~~accident~~ history, then the  
8 municipality may deny the application for that location and  
9 must approve one of the 3 alternate locations following the  
10 order of preference submitted by the applicant on the  
11 alternate location list. By acting under this Section, a local  
12 agency does not waive or limit any immunity from liability  
13 provided by any other provision of law.

14 For purposes of this Section, "local agency" means a  
15 municipality, special district, fire district, joint powers of  
16 authority, or other political subdivision of the State of  
17 Illinois.

18 A home rule unit may not regulate a charitable  
19 organization in a manner that is inconsistent with this  
20 Section. This Section is a limitation under subsection (i) of  
21 Section 6 of Article VII of the Illinois Constitution on the  
22 concurrent exercise by home rule units of powers and functions  
23 exercised by the State.

24 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13;  
25 98-756, eff. 7-16-14.)

1 Section 55. The Illinois Insurance Code is amended by  
2 changing Sections 143.01, 143.19, 143.19.1, 143.19.3, 143.24b,  
3 143.29, 143.32, 143a, and 143a-2 as follows:

4 (215 ILCS 5/143.01) (from Ch. 73, par. 755.01)

5 Sec. 143.01. (a) A provision in a policy of vehicle  
6 insurance described in Section 4 excluding coverage for bodily  
7 injury to members of the family of the insured shall not be  
8 applicable when a third party acquires a right of contribution  
9 against a member of the injured person's family.

10 (b) A provision in a policy of vehicle insurance excluding  
11 coverage for bodily injury to members of the family of the  
12 insured shall not be applicable when any person not in the  
13 household of the insured was driving the vehicle of the  
14 insured involved in the crash ~~accident~~ which is the subject of  
15 the claim or lawsuit.

16 This subsection (b) applies to any action filed on or  
17 after its effective date.

18 (Source: P.A. 83-1132.)

19 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

20 (Text of Section before amendment by P.A. 101-652)

21 Sec. 143.19. Cancellation of automobile insurance policy;  
22 grounds. After a policy of automobile insurance as defined in  
23 Section 143.13(a) has been effective for 60 days, or if such  
24 policy is a renewal policy, the insurer shall not exercise its

1 option to cancel such policy except for one or more of the  
2 following reasons:

3 a. Nonpayment of premium;

4 b. The policy was obtained through a material  
5 misrepresentation;

6 c. Any insured violated any of the terms and  
7 conditions of the policy;

8 d. The named insured failed to disclose fully his  
9 motor vehicle crashes ~~accidents~~ and moving traffic  
10 violations for the preceding 36 months if called for in  
11 the application;

12 e. Any insured made a false or fraudulent claim or  
13 knowingly aided or abetted another in the presentation of  
14 such a claim;

15 f. The named insured or any other operator who either  
16 resides in the same household or customarily operates an  
17 automobile insured under such policy:

18 1. has, within the 12 months prior to the notice of  
19 cancellation, had his driver's license under  
20 suspension or revocation;

21 2. is or becomes subject to epilepsy or heart  
22 attacks, and such individual does not produce a  
23 certificate from a physician testifying to his  
24 unqualified ability to operate a motor vehicle safely;

25 3. has a crash ~~an accident~~ record, conviction  
26 record (criminal or traffic), physical, or mental

1 condition which is such that his operation of an  
2 automobile might endanger the public safety;

3 4. has, within the 36 months prior to the notice of  
4 cancellation, been addicted to the use of narcotics or  
5 other drugs; or

6 5. has been convicted, or forfeited bail, during  
7 the 36 months immediately preceding the notice of  
8 cancellation, for any felony, criminal negligence  
9 resulting in death, homicide or assault arising out of  
10 the operation of a motor vehicle, operating a motor  
11 vehicle while in an intoxicated condition or while  
12 under the influence of drugs, being intoxicated while  
13 in, or about, an automobile or while having custody of  
14 an automobile, leaving the scene of a crash ~~an~~  
15 ~~accident~~ without stopping to report, theft or unlawful  
16 taking of a motor vehicle, making false statements in  
17 an application for an operator's or chauffeur's  
18 license or has been convicted or forfeited bail for 3  
19 or more violations within the 12 months immediately  
20 preceding the notice of cancellation, of any law,  
21 ordinance, or regulation limiting the speed of motor  
22 vehicles or any of the provisions of the motor vehicle  
23 laws of any state, violation of which constitutes a  
24 misdemeanor, whether or not the violations were  
25 repetitions of the same offense or different offenses;  
26 g. The insured automobile is:

1           1. so mechanically defective that its operation  
2 might endanger public safety;

3           2. used in carrying passengers for hire or  
4 compensation (the use of an automobile for a car pool  
5 shall not be considered use of an automobile for hire  
6 or compensation);

7           3. used in the business of transportation of  
8 flammables or explosives;

9           4. an authorized emergency vehicle;

10          5. changed in shape or condition during the policy  
11 period so as to increase the risk substantially; or

12          6. subject to an inspection law and has not been  
13 inspected or, if inspected, has failed to qualify.

14          Nothing in this Section shall apply to nonrenewal.

15          (Source: P.A. 100-201, eff. 8-18-17.)

16          (Text of Section after amendment by P.A. 101-652)

17          Sec. 143.19. Cancellation of automobile insurance policy;  
18 grounds. After a policy of automobile insurance as defined in  
19 Section 143.13(a) has been effective for 60 days, or if such  
20 policy is a renewal policy, the insurer shall not exercise its  
21 option to cancel such policy except for one or more of the  
22 following reasons:

23           a. Nonpayment of premium;

24           b. The policy was obtained through a material  
25 misrepresentation;

1 c. Any insured violated any of the terms and  
2 conditions of the policy;

3 d. The named insured failed to disclose fully his  
4 motor vehicle crashes ~~accidents~~ and moving traffic  
5 violations for the preceding 36 months if called for in  
6 the application;

7 e. Any insured made a false or fraudulent claim or  
8 knowingly aided or abetted another in the presentation of  
9 such a claim;

10 f. The named insured or any other operator who either  
11 resides in the same household or customarily operates an  
12 automobile insured under such policy:

13 1. has, within the 12 months prior to the notice of  
14 cancellation, had his driver's license under  
15 suspension or revocation;

16 2. is or becomes subject to epilepsy or heart  
17 attacks, and such individual does not produce a  
18 certificate from a physician testifying to his  
19 unqualified ability to operate a motor vehicle safely;

20 3. has a crash ~~an accident~~ record, conviction  
21 record (criminal or traffic), physical, or mental  
22 condition which is such that his operation of an  
23 automobile might endanger the public safety;

24 4. has, within the 36 months prior to the notice of  
25 cancellation, been addicted to the use of narcotics or  
26 other drugs; or

1           5. has been convicted, or violated conditions of  
2           pretrial release, during the 36 months immediately  
3           preceding the notice of cancellation, for any felony,  
4           criminal negligence resulting in death, homicide or  
5           assault arising out of the operation of a motor  
6           vehicle, operating a motor vehicle while in an  
7           intoxicated condition or while under the influence of  
8           drugs, being intoxicated while in, or about, an  
9           automobile or while having custody of an automobile,  
10          leaving the scene of a crash ~~an accident~~ without  
11          stopping to report, theft or unlawful taking of a  
12          motor vehicle, making false statements in an  
13          application for an operator's or chauffeur's license  
14          or has been convicted or pretrial release has been  
15          revoked for 3 or more violations within the 12 months  
16          immediately preceding the notice of cancellation, of  
17          any law, ordinance, or regulation limiting the speed  
18          of motor vehicles or any of the provisions of the motor  
19          vehicle laws of any state, violation of which  
20          constitutes a misdemeanor, whether or not the  
21          violations were repetitions of the same offense or  
22          different offenses;

23          g. The insured automobile is:

24                  1. so mechanically defective that its operation  
25                  might endanger public safety;

26                  2. used in carrying passengers for hire or

1 compensation (the use of an automobile for a car pool  
2 shall not be considered use of an automobile for hire  
3 or compensation);

4 3. used in the business of transportation of  
5 flammables or explosives;

6 4. an authorized emergency vehicle;

7 5. changed in shape or condition during the policy  
8 period so as to increase the risk substantially; or

9 6. subject to an inspection law and has not been  
10 inspected or, if inspected, has failed to qualify.

11 Nothing in this Section shall apply to nonrenewal.

12 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)

13 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

14 (Text of Section before amendment by P.A. 101-652)

15 Sec. 143.19.1. Limits on exercise of right of nonrenewal.

16 After a policy of automobile insurance, as defined in Section  
17 143.13, has been effective or renewed for 5 or more years, the  
18 company shall not exercise its right of non-renewal unless:

19 a. The policy was obtained through a material  
20 misrepresentation; or

21 b. Any insured violated any of the terms and conditions of  
22 the policy; or

23 c. The named insured failed to disclose fully his motor  
24 vehicle crashes ~~accidents~~ and moving traffic violations for  
25 the preceding 36 months, if such information is called for in



1 the application; or

2 d. Any insured made a false or fraudulent claim or  
3 knowingly aided or abetted another in the presentation of such  
4 a claim; or

5 e. The named insured or any other operator who either  
6 resides in the same household or customarily operates an  
7 automobile insured under such a policy:

8 1. Has, within the 12 months prior to the notice of  
9 non-renewal had his drivers license under suspension or  
10 revocation; or

11 2. Is or becomes subject to epilepsy or heart attacks,  
12 and such individual does not produce a certificate from a  
13 physician testifying to his unqualified ability to operate  
14 a motor vehicle safely; or

15 3. Has a crash ~~an accident~~ record, conviction record  
16 (criminal or traffic), or a physical or mental condition  
17 which is such that his operation of an automobile might  
18 endanger the public safety; or

19 4. Has, within the 36 months prior to the notice of  
20 non-renewal, been addicted to the use of narcotics or  
21 other drugs; or

22 5. Has been convicted or forfeited bail, during the 36  
23 months immediately preceding the notice of non-renewal,  
24 for any felony, criminal negligence resulting in death,  
25 homicide or assault arising out of the operation of a  
26 motor vehicle, operating a motor vehicle while in an

1 intoxicated condition or while under the influence of  
2 drugs, being intoxicated while in or about an automobile  
3 or while having custody of an automobile, leaving the  
4 scene of a crash ~~an accident~~ without stopping to report,  
5 theft or unlawful taking of a motor vehicle, making false  
6 statements in an application for an operators or  
7 chauffeurs license, or has been convicted or forfeited  
8 bail for 3 or more violations within the 12 months  
9 immediately preceding the notice of non-renewal, of any  
10 law, ordinance or regulation limiting the speed of motor  
11 vehicles or any of the provisions of the motor vehicle  
12 laws of any state, violation of which constitutes a  
13 misdemeanor, whether or not the violations were  
14 repetitions of the same offense or different offenses; or  
15 f. The insured automobile is:

16 1. So mechanically defective that its operation might  
17 endanger public safety; or

18 2. Used in carrying passengers for hire or  
19 compensation (the use of an automobile for a car pool  
20 shall not be considered use of an automobile for hire or  
21 compensation); or

22 3. Used in the business of transportation of  
23 flammables or explosives; or

24 4. An authorized emergency vehicle; or

25 5. Changed in shape or condition during the policy  
26 period so as to increase the risk substantially; or

1           6. Subject to an inspection law and it has not been  
2           inspected or, if inspected, has failed to qualify; or

3           g. The notice of the intention not to renew is mailed to  
4           the insured at least 60 days before the date of nonrenewal as  
5           provided in Section 143.17.

6           (Source: P.A. 89-669, eff. 1-1-97.)

7           (Text of Section after amendment by P.A. 101-652)

8           Sec. 143.19.1. Limits on exercise of right of nonrenewal.  
9           After a policy of automobile insurance, as defined in Section  
10          143.13, has been effective or renewed for 5 or more years, the  
11          company shall not exercise its right of non-renewal unless:

12          a. The policy was obtained through a material  
13          misrepresentation; or

14          b. Any insured violated any of the terms and conditions of  
15          the policy; or

16          c. The named insured failed to disclose fully his motor  
17          vehicle crashes ~~accidents~~ and moving traffic violations for  
18          the preceding 36 months, if such information is called for in  
19          the application; or

20          d. Any insured made a false or fraudulent claim or  
21          knowingly aided or abetted another in the presentation of such  
22          a claim; or

23          e. The named insured or any other operator who either  
24          resides in the same household or customarily operates an  
25          automobile insured under such a policy:

1           1. Has, within the 12 months prior to the notice of  
2 non-renewal had his drivers license under suspension or  
3 revocation; or

4           2. Is or becomes subject to epilepsy or heart attacks,  
5 and such individual does not produce a certificate from a  
6 physician testifying to his unqualified ability to operate  
7 a motor vehicle safely; or

8           3. Has a crash ~~an accident~~ record, conviction record  
9 (criminal or traffic), or a physical or mental condition  
10 which is such that his operation of an automobile might  
11 endanger the public safety; or

12           4. Has, within the 36 months prior to the notice of  
13 non-renewal, been addicted to the use of narcotics or  
14 other drugs; or

15           5. Has been convicted or pretrial release has been  
16 revoked, during the 36 months immediately preceding the  
17 notice of non-renewal, for any felony, criminal negligence  
18 resulting in death, homicide or assault arising out of the  
19 operation of a motor vehicle, operating a motor vehicle  
20 while in an intoxicated condition or while under the  
21 influence of drugs, being intoxicated while in or about an  
22 automobile or while having custody of an automobile,  
23 leaving the scene of a crash ~~an accident~~ without stopping  
24 to report, theft or unlawful taking of a motor vehicle,  
25 making false statements in an application for an operators  
26 or chauffeurs license, or has been convicted or pretrial

1 release has been revoked for 3 or more violations within  
2 the 12 months immediately preceding the notice of  
3 non-renewal, of any law, ordinance or regulation limiting  
4 the speed of motor vehicles or any of the provisions of the  
5 motor vehicle laws of any state, violation of which  
6 constitutes a misdemeanor, whether or not the violations  
7 were repetitions of the same offense or different  
8 offenses; or

9 f. The insured automobile is:

10 1. So mechanically defective that its operation might  
11 endanger public safety; or

12 2. Used in carrying passengers for hire or  
13 compensation (the use of an automobile for a car pool  
14 shall not be considered use of an automobile for hire or  
15 compensation); or

16 3. Used in the business of transportation of  
17 flammables or explosives; or

18 4. An authorized emergency vehicle; or

19 5. Changed in shape or condition during the policy  
20 period so as to increase the risk substantially; or

21 6. Subject to an inspection law and it has not been  
22 inspected or, if inspected, has failed to qualify; or

23 g. The notice of the intention not to renew is mailed to  
24 the insured at least 60 days before the date of nonrenewal as  
25 provided in Section 143.17.

26 (Source: P.A. 101-652, eff. 1-1-23.)

1 (215 ILCS 5/143.19.3)

2 Sec. 143.19.3. Prohibition of rate increase for persons  
3 involved in emergency use of vehicles.

4 (a) No insurer authorized to transact or transacting  
5 business in this State, or controlling or controlled by or  
6 under common control by or with an insurer authorized to  
7 transact or transacting business in this State, that sells a  
8 personal policy of automobile insurance in this State shall  
9 increase the policy premium, cancel the policy, or refuse to  
10 renew the policy solely because the insured or any other  
11 person who customarily operates an automobile covered by the  
12 policy has been involved in a crash ~~had an accident~~ while  
13 operating an automobile in response to an emergency when the  
14 insured was responding to a call to duty as a volunteer EMS  
15 provider, as defined in Section 1-220 of the Illinois Vehicle  
16 Code.

17 (b) The provisions of subsection (a) also apply to all  
18 personal umbrella policies.

19 (Source: P.A. 100-657, eff. 8-1-18.)

20 (215 ILCS 5/143.24b) (from Ch. 73, par. 755.24b)

21 Sec. 143.24b. Any insurer insuring any person or entity  
22 against damages arising out of a vehicular crash ~~accident~~  
23 shall disclose the dollar amount of liability coverage under  
24 the insured's personal private passenger automobile liability

1 insurance policy upon receipt of the following: (a) a  
2 certified letter from a claimant or any attorney purporting to  
3 represent any claimant which requests such disclosure and (b)  
4 a brief description of the nature and extent of the injuries,  
5 accompanied by a statement of the amount of medical bills  
6 incurred to date and copies of medical records. The disclosure  
7 shall be confidential and available only to the claimant, his  
8 attorney and personnel in the office of the attorney entitled  
9 to access to the claimant's files. The insurer shall forward  
10 the information to the party requesting it by certified mail,  
11 return receipt requested, within 30 days of receipt of the  
12 request.

13 (Source: P.A. 85-1209.)

14 (215 ILCS 5/143.29) (from Ch. 73, par. 755.29)

15 Sec. 143.29. (a) The rates and premium charges for every  
16 policy of automobile liability insurance shall include  
17 appropriate reductions as determined by the insurer for any  
18 insured over age 55 upon successful completion of the National  
19 Safety Council's Defensive Driving Course or a motor vehicle  
20 crash ~~accident~~ prevention course, including an eLearning  
21 course, that is found by the Secretary of State to meet or  
22 exceed the standards of the National Safety Council's  
23 Defensive Driving Course's 8 hour classroom safety instruction  
24 program.

25 (b) The premium reduction shall remain in effect for the

1 qualifying insured for a period of 3 years from the date of  
2 successful completion of the crash ~~accident~~ prevention course,  
3 except that the insurer may elect to apply the premium  
4 reduction beginning either with the last effective date of the  
5 policy or the next renewal date of the policy if the reduction  
6 will result in a savings as though applied over a full 3 year  
7 period. An insured who has completed the course of instruction  
8 prior to July 1, 1982 shall receive the insurance premium  
9 reduction for only the period remaining within the 3 years  
10 from course completion. The period of premium reduction for an  
11 insured who has repeated the crash ~~accident~~ prevention course  
12 shall be based upon the last such course the insured has  
13 successfully completed.

14 (c) Any crash ~~accident~~ prevention course approved by the  
15 Secretary of State under this Section shall be taught by an  
16 instructor approved by the Secretary of State, shall consist  
17 of at least 8 hours of classroom or eLearning equivalent  
18 instruction and shall provide for a certificate of completion.  
19 Records of certification of course completion shall be  
20 maintained in a manner acceptable to the Secretary of State.

21 (d) Any person claiming eligibility for a rate or premium  
22 reduction shall be responsible for providing to his insurance  
23 company the information necessary to determine eligibility.

24 (e) This Section shall not apply to:

25 (1) any motor vehicle which is a part of a fleet or is  
26 used for commercial purposes unless there is a regularly



1 assigned principal operator.

2 (2) any motor vehicle subject to a higher premium rate  
3 because of the insured's previous motor vehicle claim  
4 experience or to any motor vehicle whose principal  
5 operator has been convicted of violating any of the motor  
6 vehicle laws of this State, until that operator shall have  
7 maintained a driving record free of crashes ~~accidents~~ and  
8 moving violations for a continuous one year period, in  
9 which case such driver shall be eligible for a reduction  
10 the remaining 2 years of the 3 year period.

11 (3) any motor vehicle whose principal operator has had  
12 his drivers license revoked or suspended for any reason by  
13 the Secretary of State within the previous 36 months.

14 (4) any policy of group automobile insurance under  
15 which premiums are broadly averaged for the group rather  
16 than determined individually.

17 (Source: P.A. 102-397, eff. 1-1-22.)

18 (215 ILCS 5/143.32)

19 Sec. 143.32. Replacement of child restraint systems. A  
20 policy of automobile insurance, as defined in Section 143.13,  
21 that is amended, delivered, issued, or renewed after the  
22 effective date of this amendatory Act of the 91st General  
23 Assembly must include coverage for replacement of a child  
24 restraint system that was in use by a child during a crash ~~an~~  
25 ~~accident~~ to which coverage is applicable. As used in this

1 Section, "child restraint system" has the meaning given that  
2 term in the Child Passenger Restraint Act.

3 (Source: P.A. 91-749, eff. 6-2-00.)

4 (215 ILCS 5/143a) (from Ch. 73, par. 755a)

5 Sec. 143a. Uninsured and hit and run motor vehicle  
6 coverage.

7 (1) No policy insuring against loss resulting from  
8 liability imposed by law for bodily injury or death suffered  
9 by any person arising out of the ownership, maintenance or use  
10 of a motor vehicle that is designed for use on public highways  
11 and that is either required to be registered in this State or  
12 is principally garaged in this State shall be renewed,  
13 delivered, or issued for delivery in this State unless  
14 coverage is provided therein or supplemental thereto, in  
15 limits for bodily injury or death set forth in Section 7-203 of  
16 the Illinois Vehicle Code for the protection of persons  
17 insured thereunder who are legally entitled to recover damages  
18 from owners or operators of uninsured motor vehicles and  
19 hit-and-run motor vehicles because of bodily injury, sickness  
20 or disease, including death, resulting therefrom. Uninsured  
21 motor vehicle coverage does not apply to bodily injury,  
22 sickness, disease, or death resulting therefrom, of an insured  
23 while occupying a motor vehicle owned by, or furnished or  
24 available for the regular use of the insured, a resident  
25 spouse or resident relative, if that motor vehicle is not

1 described in the policy under which a claim is made or is not a  
2 newly acquired or replacement motor vehicle covered under the  
3 terms of the policy. The limits for any coverage for any  
4 vehicle under the policy may not be aggregated with the limits  
5 for any similar coverage, whether provided by the same insurer  
6 or another insurer, applying to other motor vehicles, for  
7 purposes of determining the total limit of insurance coverage  
8 available for bodily injury or death suffered by a person in  
9 any one crash ~~accident~~. No policy shall be renewed, delivered,  
10 or issued for delivery in this State unless it is provided  
11 therein that any dispute with respect to the coverage and the  
12 amount of damages shall be submitted for arbitration to the  
13 American Arbitration Association and be subject to its rules  
14 for the conduct of arbitration hearings as to all matters  
15 except medical opinions. As to medical opinions, if the amount  
16 of damages being sought is equal to or less than the amount  
17 provided for in Section 7-203 of the Illinois Vehicle Code,  
18 then the current American Arbitration Association Rules shall  
19 apply. If the amount being sought in an American Arbitration  
20 Association case exceeds that amount as set forth in Section  
21 7-203 of the Illinois Vehicle Code, then the Rules of Evidence  
22 that apply in the circuit court for placing medical opinions  
23 into evidence shall govern. Alternatively, disputes with  
24 respect to damages and the coverage shall be determined in the  
25 following manner: Upon the insured requesting arbitration,  
26 each party to the dispute shall select an arbitrator and the 2

1 arbitrators so named shall select a third arbitrator. If such  
2 arbitrators are not selected within 45 days from such request,  
3 either party may request that the arbitration be submitted to  
4 the American Arbitration Association. Any decision made by the  
5 arbitrators shall be binding for the amount of damages not  
6 exceeding \$75,000 for bodily injury to or death of any one  
7 person, \$150,000 for bodily injury to or death of 2 or more  
8 persons in any one motor vehicle crash ~~accident~~, or the  
9 corresponding policy limits for bodily injury or death,  
10 whichever is less. All 3-person arbitration cases proceeding  
11 in accordance with any uninsured motorist coverage conducted  
12 in this State in which the claimant is only seeking monetary  
13 damages up to the limits set forth in Section 7-203 of the  
14 Illinois Vehicle Code shall be subject to the following rules:

15 (A) If at least 60 days' written notice of the  
16 intention to offer the following documents in evidence is  
17 given to every other party, accompanied by a copy of the  
18 document, a party may offer in evidence, without  
19 foundation or other proof:

20 (1) bills, records, and reports of hospitals,  
21 doctors, dentists, registered nurses, licensed  
22 practical nurses, physical therapists, and other  
23 healthcare providers;

24 (2) bills for drugs, medical appliances, and  
25 prostheses;

26 (3) property repair bills or estimates, when

1 identified and itemized setting forth the charges for  
2 labor and material used or proposed for use in the  
3 repair of the property;

4 (4) a report of the rate of earnings and time lost  
5 from work or lost compensation prepared by an  
6 employer;

7 (5) the written opinion of an opinion witness, the  
8 deposition of a witness, and the statement of a  
9 witness that the witness would be allowed to express  
10 if testifying in person, if the opinion or statement  
11 is made by affidavit or by certification as provided  
12 in Section 1-109 of the Code of Civil Procedure;

13 (6) any other document not specifically covered by  
14 any of the foregoing provisions that is otherwise  
15 admissible under the rules of evidence.

16 Any party receiving a notice under this paragraph (A)  
17 may apply to the arbitrator or panel of arbitrators, as  
18 the case may be, for the issuance of a subpoena directed to  
19 the author or maker or custodian of the document that is  
20 the subject of the notice, requiring the person subpoenaed  
21 to produce copies of any additional documents as may be  
22 related to the subject matter of the document that is the  
23 subject of the notice. Any such subpoena shall be issued  
24 in substantially similar form and served by notice as  
25 provided by Illinois Supreme Court Rule 204(a)(4). Any  
26 such subpoena shall be returnable not less than 5 days

1 before the arbitration hearing.

2 (B) Notwithstanding the provisions of Supreme Court  
3 Rule 213(g), a party who proposes to use a written opinion  
4 of an expert or opinion witness or the testimony of an  
5 expert or opinion witness at the hearing may do so  
6 provided a written notice of that intention is given to  
7 every other party not less than 60 days prior to the date  
8 of hearing, accompanied by a statement containing the  
9 identity of the witness, his or her qualifications, the  
10 subject matter, the basis of the witness's conclusions,  
11 and his or her opinion.

12 (C) Any other party may subpoena the author or maker  
13 of a document admissible under this subsection, at that  
14 party's expense, and examine the author or maker as if  
15 under cross-examination. The provisions of Section 2-1101  
16 of the Code of Civil Procedure shall be applicable to  
17 arbitration hearings, and it shall be the duty of a party  
18 requesting the subpoena to modify the form to show that  
19 the appearance is set before an arbitration panel and to  
20 give the time and place set for the hearing.

21 (D) The provisions of Section 2-1102 of the Code of  
22 Civil Procedure shall be applicable to arbitration  
23 hearings under this subsection.

24 (2) No policy insuring against loss resulting from  
25 liability imposed by law for property damage arising out of  
26 the ownership, maintenance, or use of a motor vehicle shall be

1 renewed, delivered, or issued for delivery in this State with  
2 respect to any private passenger or recreational motor vehicle  
3 that is designed for use on public highways and that is either  
4 required to be registered in this State or is principally  
5 garaged in this State and is not covered by collision  
6 insurance under the provisions of such policy, unless coverage  
7 is made available in the amount of the actual cash value of the  
8 motor vehicle described in the policy or \$15,000 whichever is  
9 less, subject to a \$250 deductible, for the protection of  
10 persons insured thereunder who are legally entitled to recover  
11 damages from owners or operators of uninsured motor vehicles  
12 and hit-and-run motor vehicles because of property damage to  
13 the motor vehicle described in the policy.

14 There shall be no liability imposed under the uninsured  
15 motorist property damage coverage required by this subsection  
16 if the owner or operator of the at-fault uninsured motor  
17 vehicle or hit-and-run motor vehicle cannot be identified.  
18 This subsection shall not apply to any policy which does not  
19 provide primary motor vehicle liability insurance for  
20 liabilities arising from the maintenance, operation, or use of  
21 a specifically insured motor vehicle.

22 Each insurance company providing motor vehicle property  
23 damage liability insurance shall advise applicants of the  
24 availability of uninsured motor vehicle property damage  
25 coverage, the premium therefor, and provide a brief  
26 description of the coverage. That information need be given

1 only once and shall not be required in any subsequent renewal,  
2 reinstatement or reissuance, substitute, amended, replacement  
3 or supplementary policy. No written rejection shall be  
4 required, and the absence of a premium payment for uninsured  
5 motor vehicle property damage shall constitute conclusive  
6 proof that the applicant or policyholder has elected not to  
7 accept uninsured motorist property damage coverage.

8 An insurance company issuing uninsured motor vehicle  
9 property damage coverage may provide that:

10 (i) Property damage losses recoverable thereunder  
11 shall be limited to damages caused by the actual physical  
12 contact of an uninsured motor vehicle with the insured  
13 motor vehicle.

14 (ii) There shall be no coverage for loss of use of the  
15 insured motor vehicle and no coverage for loss or damage  
16 to personal property located in the insured motor vehicle.

17 (iii) Any claim submitted shall include the name and  
18 address of the owner of the at-fault uninsured motor  
19 vehicle, or a registration number and description of the  
20 vehicle, or any other available information to establish  
21 that there is no applicable motor vehicle property damage  
22 liability insurance.

23 Any dispute with respect to the coverage and the amount of  
24 damages shall be submitted for arbitration to the American  
25 Arbitration Association and be subject to its rules for the  
26 conduct of arbitration hearings or for determination in the



1 following manner: Upon the insured requesting arbitration,  
2 each party to the dispute shall select an arbitrator and the 2  
3 arbitrators so named shall select a third arbitrator. If such  
4 arbitrators are not selected within 45 days from such request,  
5 either party may request that the arbitration be submitted to  
6 the American Arbitration Association. Any arbitration  
7 proceeding under this subsection seeking recovery for property  
8 damages shall be subject to the following rules:

9 (A) If at least 60 days' written notice of the  
10 intention to offer the following documents in evidence is  
11 given to every other party, accompanied by a copy of the  
12 document, a party may offer in evidence, without  
13 foundation or other proof:

14 (1) property repair bills or estimates, when  
15 identified and itemized setting forth the charges for  
16 labor and material used or proposed for use in the  
17 repair of the property;

18 (2) the written opinion of an opinion witness, the  
19 deposition of a witness, and the statement of a  
20 witness that the witness would be allowed to express  
21 if testifying in person, if the opinion or statement  
22 is made by affidavit or by certification as provided  
23 in Section 1-109 of the Code of Civil Procedure;

24 (3) any other document not specifically covered by  
25 any of the foregoing provisions that is otherwise  
26 admissible under the rules of evidence.

1           Any party receiving a notice under this paragraph (A)  
2           may apply to the arbitrator or panel of arbitrators, as  
3           the case may be, for the issuance of a subpoena directed to  
4           the author or maker or custodian of the document that is  
5           the subject of the notice, requiring the person subpoenaed  
6           to produce copies of any additional documents as may be  
7           related to the subject matter of the document that is the  
8           subject of the notice. Any such subpoena shall be issued  
9           in substantially similar form and served by notice as  
10          provided by Illinois Supreme Court Rule 204(a)(4). Any  
11          such subpoena shall be returnable not less than 5 days  
12          before the arbitration hearing.

13           (B) Notwithstanding the provisions of Supreme Court  
14          Rule 213(g), a party who proposes to use a written opinion  
15          of an expert or opinion witness or the testimony of an  
16          expert or opinion witness at the hearing may do so  
17          provided a written notice of that intention is given to  
18          every other party not less than 60 days prior to the date  
19          of hearing, accompanied by a statement containing the  
20          identity of the witness, his or her qualifications, the  
21          subject matter, the basis of the witness's conclusions,  
22          and his or her opinion.

23           (C) Any other party may subpoena the author or maker  
24          of a document admissible under this subsection, at that  
25          party's expense, and examine the author or maker as if  
26          under cross-examination. The provisions of Section 2-1101

1 of the Code of Civil Procedure shall be applicable to  
2 arbitration hearings, and it shall be the duty of a party  
3 requesting the subpoena to modify the form to show that  
4 the appearance is set before an arbitration panel and to  
5 give the time and place set for the hearing.

6 (D) The provisions of Section 2-1102 of the Code of  
7 Civil Procedure shall be applicable to arbitration  
8 hearings under this subsection.

9 (3) For the purpose of the coverage, the term "uninsured  
10 motor vehicle" includes, subject to the terms and conditions  
11 of the coverage, a motor vehicle where on, before, or after the  
12 ~~accident~~ date of the crash the liability insurer thereof is  
13 unable to make payment with respect to the legal liability of  
14 its insured within the limits specified in the policy because  
15 of the entry by a court of competent jurisdiction of an order  
16 of rehabilitation or liquidation by reason of insolvency on or  
17 after the ~~accident~~ date of the crash. An insurer's extension  
18 of coverage, as provided in this subsection, shall be  
19 applicable to all crashes ~~accidents~~ occurring after July 1,  
20 1967 during a policy period in which its insured's uninsured  
21 motor vehicle coverage is in effect. Nothing in this Section  
22 may be construed to prevent any insurer from extending  
23 coverage under terms and conditions more favorable to its  
24 insureds than is required by this Section.

25 (4) In the event of payment to any person under the  
26 coverage required by this Section and subject to the terms and

1 conditions of the coverage, the insurer making the payment  
2 shall, to the extent thereof, be entitled to the proceeds of  
3 any settlement or judgment resulting from the exercise of any  
4 rights of recovery of the person against any person or  
5 organization legally responsible for the property damage,  
6 bodily injury or death for which the payment is made,  
7 including the proceeds recoverable from the assets of the  
8 insolvent insurer. With respect to payments made by reason of  
9 the coverage described in subsection (3), the insurer making  
10 such payment shall not be entitled to any right of recovery  
11 against the tortfeasor in excess of the proceeds recovered  
12 from the assets of the insolvent insurer of the tortfeasor.

13 (5) This amendatory Act of 1967 (Laws of Illinois 1967,  
14 page 875) shall not be construed to terminate or reduce any  
15 insurance coverage or any right of any party under this Code in  
16 effect before July 1, 1967. Public Act 86-1155 shall not be  
17 construed to terminate or reduce any insurance coverage or any  
18 right of any party under this Code in effect before its  
19 effective date.

20 (6) Failure of the motorist from whom the claimant is  
21 legally entitled to recover damages to file the appropriate  
22 forms with the Safety Responsibility Section of the Department  
23 of Transportation within 120 days of the ~~accident~~ date of the  
24 crash shall create a rebuttable presumption that the motorist  
25 was uninsured at the time of the injurious occurrence.

26 (7) An insurance carrier may upon good cause require the

1 insured to commence a legal action against the owner or  
2 operator of an uninsured motor vehicle before good faith  
3 negotiation with the carrier. If the action is commenced at  
4 the request of the insurance carrier, the carrier shall pay to  
5 the insured, before the action is commenced, all court costs,  
6 jury fees and sheriff's fees arising from the action.

7 The changes made by Public Act 90-451 apply to all  
8 policies of insurance amended, delivered, issued, or renewed  
9 on and after January 1, 1998 (the effective date of Public Act  
10 90-451).

11 (8) The changes made by Public Act 98-927 apply to all  
12 policies of insurance amended, delivered, issued, or renewed  
13 on and after January 1, 2015 (the effective date of Public Act  
14 98-927).

15 (Source: P.A. 98-242, eff. 1-1-14; 98-927, eff. 1-1-15;  
16 99-642, eff. 7-28-16.)

17 (215 ILCS 5/143a-2) (from Ch. 73, par. 755a-2)

18 Sec. 143a-2. (1) Additional uninsured motor vehicle  
19 coverage. No policy insuring against loss resulting from  
20 liability imposed by law for bodily injury or death suffered  
21 by any person arising out of the ownership, maintenance or use  
22 of a motor vehicle shall be renewed or delivered or issued for  
23 delivery in this State with respect to any motor vehicle  
24 designed for use on public highways and required to be  
25 registered in this State unless uninsured motorist coverage as

1 required in Section 143a of this Code is included in an amount  
2 equal to the insured's bodily injury liability limits unless  
3 specifically rejected by the insured as provided in paragraph  
4 (2) of this Section. Each insurance company providing the  
5 coverage must provide applicants with a brief description of  
6 the coverage and advise them of their right to reject the  
7 coverage in excess of the limits set forth in Section 7-203 of  
8 the Illinois Vehicle Code. The provisions of this amendatory  
9 Act of 1990 apply to policies of insurance applied for after  
10 June 30, 1991.

11 (2) Right of rejection of additional uninsured motorist  
12 coverage. Any named insured or applicant may reject additional  
13 uninsured motorist coverage in excess of the limits set forth  
14 in Section 7-203 of the Illinois Vehicle Code by making a  
15 written request for limits of uninsured motorist coverage  
16 which are less than bodily injury liability limits or a  
17 written rejection of limits in excess of those required by  
18 law. This election or rejection shall be binding on all  
19 persons insured under the policy. In those cases where the  
20 insured has elected to purchase limits of uninsured motorist  
21 coverage which are less than bodily injury liability limits or  
22 to reject limits in excess of those required by law, the  
23 insurer need not provide in any renewal, reinstatement,  
24 reissuance, substitute, amended, replacement or supplementary  
25 policy, coverage in excess of that elected by the insured in  
26 connection with a policy previously issued to such insured by

1 the same insurer unless the insured subsequently makes a  
2 written request for such coverage.

3 (3) The original document indicating the applicant's  
4 selection of uninsured motorist coverage limits shall  
5 constitute sufficient evidence of the applicant's selection of  
6 uninsured motorist coverage limits. For purposes of this  
7 Section any reproduction of the document by means of  
8 photograph, photostat, microfiche, computerized optical  
9 imaging process, or other similar process or means of  
10 reproduction shall be deemed the equivalent of the original  
11 document.

12 (4) For the purpose of this Code the term "underinsured  
13 motor vehicle" means a motor vehicle whose ownership,  
14 maintenance or use has resulted in bodily injury or death of  
15 the insured, as defined in the policy, and for which the sum of  
16 the limits of liability under all bodily injury liability  
17 insurance policies or under bonds or other security required  
18 to be maintained under Illinois law applicable to the driver  
19 or to the person or organization legally responsible for such  
20 vehicle and applicable to the vehicle, is less than the limits  
21 for underinsured coverage provided the insured as defined in  
22 the policy at the time of the crash ~~accident~~. The limits of  
23 liability for an insurer providing underinsured motorist  
24 coverage shall be the limits of such coverage, less those  
25 amounts actually recovered under the applicable bodily injury  
26 insurance policies, bonds or other security maintained on the

1 underinsured motor vehicle.

2 On or after July 1, 1983, no policy insuring against loss  
3 resulting from liability imposed by law for bodily injury or  
4 death suffered by any person arising out of the ownership,  
5 maintenance or use of a motor vehicle shall be renewed or  
6 delivered or issued for delivery in this State with respect to  
7 any motor vehicle designed for use on public highways and  
8 required to be registered in this State unless underinsured  
9 motorist coverage is included in such policy in an amount  
10 equal to the total amount of uninsured motorist coverage  
11 provided in that policy where such uninsured motorist coverage  
12 exceeds the limits set forth in Section 7-203 of the Illinois  
13 Vehicle Code.

14 The changes made to this subsection (4) by this amendatory  
15 Act of the 93rd General Assembly apply to policies issued or  
16 renewed on or after December 1, 2004.

17 (5) Scope. Nothing herein shall prohibit an insurer from  
18 setting forth policy terms and conditions which provide that  
19 if the insured has coverage available under this Section under  
20 more than one policy or provision of coverage, any recovery or  
21 benefits may be equal to, but may not exceed, the higher of the  
22 applicable limits of the respective coverage, and the limits  
23 of liability under this Section shall not be increased because  
24 of multiple motor vehicles covered under the same policy of  
25 insurance. Insurers providing liability coverage on an excess  
26 or umbrella basis are neither required to provide, nor are



1 they prohibited from offering or making available coverages  
2 conforming to this Section on a supplemental basis.  
3 Notwithstanding the provisions of this Section, an insurer  
4 shall not be prohibited from solely providing a combination of  
5 uninsured and underinsured motorist coverages where the limits  
6 of liability under each coverage is in the same amount.

7 (6) Subrogation against underinsured motorists. No insurer  
8 shall exercise any right of subrogation under a policy  
9 providing additional uninsured motorist coverage against an  
10 underinsured motorist where the insurer has been provided with  
11 written notice in advance of a settlement between its insured  
12 and the underinsured motorist and the insurer fails to advance  
13 a payment to the insured, in an amount equal to the tentative  
14 settlement, within 30 days following receipt of such notice.

15 (7) A policy which provides underinsured motor vehicle  
16 coverage may include a clause which denies payment until the  
17 limits of liability or portion thereof under all bodily injury  
18 liability insurance policies applicable to the underinsured  
19 motor vehicle and its operators have been partially or fully  
20 exhausted by payment of judgment or settlement. A judgment or  
21 settlement of the bodily injury claim in an amount less than  
22 the limits of liability of the bodily injury coverages  
23 applicable to the claim shall not preclude the claimant from  
24 making an underinsured motorist claim against the underinsured  
25 motorist coverage. Any such provision in a policy of insurance  
26 shall be inapplicable if the insured, or the legal

1 representative of the insured, and the insurer providing  
2 underinsured motor vehicle coverage agree that the insured has  
3 suffered bodily injury or death as the result of the negligent  
4 operation, maintenance, or use of an underinsured motor  
5 vehicle and, without arbitration, agree also on the amount of  
6 damages that the insured is legally entitled to collect. The  
7 maximum amount payable pursuant to such an underinsured motor  
8 vehicle insurance settlement agreement shall not exceed the  
9 amount by which the limits of the underinsured motorist  
10 coverage exceed the limits of the bodily injury liability  
11 insurance of the owner or operator of the underinsured motor  
12 vehicle. Any such agreement shall be final as to the amount due  
13 and shall be binding upon both the insured and the  
14 underinsured motorist insurer regardless of the amount of any  
15 judgment, or any settlement reached between any insured and  
16 the person or persons responsible for the crash ~~accident~~. No  
17 such settlement agreement shall be concluded unless: (i) the  
18 insured has complied with all other applicable policy terms  
19 and conditions; and (ii) before the conclusion of the  
20 settlement agreement, the insured has filed suit against the  
21 underinsured motor vehicle owner or operator and has not  
22 abandoned the suit, or settled the suit without preserving the  
23 rights of the insurer providing underinsured motor vehicle  
24 coverage in the manner described in paragraph (6) of this  
25 Section.

26 (Source: P.A. 93-762, eff. 7-16-04.)

1 Section 60. The Child Care Act of 1969 is amended by  
2 changing Section 5.1 as follows:

3 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

4 Sec. 5.1. (a) The Department shall ensure that no day care  
5 center, group home or child care institution as defined in  
6 this Act shall on a regular basis transport a child or children  
7 with any motor vehicle unless such vehicle is operated by a  
8 person who complies with the following requirements:

9 1. is 21 years of age or older;

10 2. currently holds a valid driver's license, which has  
11 not been revoked or suspended for one or more traffic  
12 violations during the 3 years immediately prior to the  
13 date of application;

14 3. demonstrates physical fitness to operate vehicles  
15 by submitting the results of a medical examination  
16 conducted by a licensed physician;

17 4. has not been convicted of more than 2 offenses  
18 against traffic regulations governing the movement of  
19 vehicles within a twelve month period;

20 5. has not been convicted of reckless driving or  
21 driving under the influence or manslaughter or reckless  
22 homicide resulting from the operation of a motor vehicle  
23 within the past 3 years;

24 6. has signed and submitted a written statement

1 certifying that he has not, through the unlawful operation  
2 of a motor vehicle, caused a crash ~~an accident~~ which  
3 resulted in the death of any person within the 5 years  
4 immediately prior to the date of application.

5 However, such day care centers, group homes and child care  
6 institutions may provide for transportation of a child or  
7 children for special outings, functions or purposes that are  
8 not scheduled on a regular basis without verification that  
9 drivers for such purposes meet the requirements of this  
10 Section.

11 (a-5) As a means of ensuring compliance with the  
12 requirements set forth in subsection (a), the Department shall  
13 implement appropriate measures to verify that every individual  
14 who is employed at a group home or child care institution meets  
15 those requirements.

16 For every individual employed at a group home or child  
17 care institution who regularly transports children in the  
18 course of performing his or her duties, the Department must  
19 make the verification every 2 years. Upon the Department's  
20 request, the Secretary of State shall provide the Department  
21 with the information necessary to enable the Department to  
22 make the verifications required under subsection (a).

23 In the case of an individual employed at a group home or  
24 child care institution who becomes subject to subsection (a)  
25 for the first time after the effective date of this amendatory  
26 Act of the 94th General Assembly, the Department must make

1 that verification with the Secretary of State before the  
2 individual operates a motor vehicle to transport a child or  
3 children under the circumstances described in subsection (a).

4 In the case of an individual employed at a group home or  
5 child care institution who is subject to subsection (a) on the  
6 effective date of this amendatory Act of the 94th General  
7 Assembly, the Department must make that verification with the  
8 Secretary of State within 30 days after that effective date.

9 If the Department discovers that an individual fails to  
10 meet the requirements set forth in subsection (a), the  
11 Department shall promptly notify the appropriate group home or  
12 child care institution.

13 (b) Any individual who holds a valid Illinois school bus  
14 driver permit issued by the Secretary of State pursuant to The  
15 Illinois Vehicle Code, and who is currently employed by a  
16 school district or parochial school, or by a contractor with a  
17 school district or parochial school, to drive a school bus  
18 transporting children to and from school, shall be deemed in  
19 compliance with the requirements of subsection (a).

20 (c) The Department may, pursuant to Section 8 of this Act,  
21 revoke the license of any day care center, group home or child  
22 care institution that fails to meet the requirements of this  
23 Section.

24 (d) A group home or child care institution that fails to  
25 meet the requirements of this Section is guilty of a petty  
26 offense and is subject to a fine of not more than \$1,000. Each

1 day that a group home or child care institution fails to meet  
2 the requirements of this Section is a separate offense.

3 (Source: P.A. 94-943, eff. 1-1-07.)

4 Section 65. The Liquor Control Act of 1934 is amended by  
5 changing Section 6-29.1 as follows:

6 (235 ILCS 5/6-29.1)

7 Sec. 6-29.1. Direct shipments of alcoholic liquor.

8 (a) The General Assembly makes the following findings:

9 (1) The General Assembly of Illinois, having reviewed  
10 this Act in light of the United States Supreme Court's  
11 2005 decision in *Granholm v. Heald*, has determined to  
12 conform that law to the constitutional principles  
13 enunciated by the Court in a manner that best preserves  
14 the temperance, revenue, and orderly distribution values  
15 of this Act.

16 (2) Minimizing automobile crashes ~~accidents~~ and  
17 fatalities, domestic violence, health problems, loss of  
18 productivity, unemployment, and other social problems  
19 associated with dependency and improvident use of  
20 alcoholic beverages remains the policy of Illinois.

21 (3) To the maximum extent constitutionally feasible,  
22 Illinois desires to collect sufficient revenue from excise  
23 and use taxes on alcoholic beverages for the purpose of  
24 responding to such social problems.

1           (4) Combined with family education and individual  
2 discipline, retail validation of age, and assessment of  
3 the capacity of the consumer remains the best pre-sale  
4 social protection against the problems associated with the  
5 abuse of alcoholic liquor.

6           (5) Therefore, the paramount purpose of this  
7 amendatory Act is to continue to carefully limit direct  
8 shipment sales of wine produced by makers of wine and to  
9 continue to prohibit such direct shipment sales for  
10 spirits and beer.

11          For these reasons, the Commission shall establish a system  
12 to notify the out-of-state trade of this prohibition and to  
13 detect violations. The Commission shall request the Attorney  
14 General to extradite any offender.

15          (b) Pursuant to the Twenty-First Amendment of the United  
16 States Constitution allowing states to regulate the  
17 distribution and sale of alcoholic liquor and pursuant to the  
18 federal Webb-Kenyon Act declaring that alcoholic liquor  
19 shipped in interstate commerce must comply with state laws,  
20 the General Assembly hereby finds and declares that selling  
21 alcoholic liquor from a point outside this State through  
22 various direct marketing means, such as catalogs, newspapers,  
23 mailers, and the Internet, directly to residents of this State  
24 poses a serious threat to the State's efforts to prevent  
25 youths from accessing alcoholic liquor; to State revenue  
26 collections; and to the economy of this State.

1 Any person manufacturing, distributing, or selling  
2 alcoholic liquor who knowingly ships or transports or causes  
3 the shipping or transportation of any alcoholic liquor from a  
4 point outside this State to a person in this State who does not  
5 hold a manufacturer's, distributor's, importing distributor's,  
6 or non-resident dealer's license issued by the Liquor Control  
7 Commission, other than a shipment of sacramental wine to a  
8 bona fide religious organization, a shipment authorized by  
9 Section 6-29, subparagraph (17) of Section 3-12, or any other  
10 shipment authorized by this Act, is in violation of this Act.

11 The Commission, upon determining, after investigation,  
12 that a person has violated this Section, shall give notice to  
13 the person by certified mail to cease and desist all shipments  
14 of alcoholic liquor into this State and to withdraw from this  
15 State within 5 working days after receipt of the notice all  
16 shipments of alcoholic liquor then in transit. A person who  
17 violates the cease and desist notice is subject to the  
18 applicable penalties in subsection (a) of Section 10-1 of this  
19 Act.

20 (Source: P.A. 99-904, eff. 1-1-17.)

21 Section 70. The Suicide Prevention, Education, and  
22 Treatment Act is amended by changing Section 5 as follows:

23 (410 ILCS 53/5)

24 Sec. 5. Legislative findings. The General Assembly makes



1 the following findings:

2 (1) 1,474 Illinoisans lost their lives to suicide in  
3 2017. During 2016, suicide was the eleventh leading cause  
4 of death in Illinois, causing more deaths than homicide,  
5 motor vehicle crashes ~~accidents~~, accidental falls, and  
6 numerous prevalent diseases, including liver disease,  
7 hypertension, influenza/pneumonia, Parkinson's disease,  
8 and HIV. Suicide was the third leading cause of death of  
9 ages 15 to 34 and the fourth leading cause of death of ages  
10 35 to 54. Those living outside of urban areas are  
11 particularly at risk for suicide, with a rate that is 50%  
12 higher than those living in urban areas.

13 (2) For every person who dies by suicide, more than 30  
14 others attempt suicide.

15 (3) Each suicide attempt and death impacts countless  
16 other individuals. Family members, friends, co-workers,  
17 and others in the community all suffer the long-lasting  
18 consequences of suicidal behaviors.

19 (4) Suicide attempts and deaths by suicide have an  
20 economic impact on Illinois. The National Center for  
21 Injury Prevention and Control estimates that in 2010 each  
22 suicide death in Illinois resulted in \$1,181,549 in  
23 medical costs and work loss costs. It also estimated that  
24 each hospitalization for self-harm resulted in \$31,019 in  
25 medical costs and work loss costs and each emergency room  
26 visit for self-harm resulted in \$4,546 in medical costs

1 and work loss costs.

2 (5) In 2004, the Illinois General Assembly passed the  
3 Suicide Prevention, Education, and Treatment Act (Public  
4 Act 93-907), which required the Illinois Department of  
5 Public Health to establish the Illinois Suicide Prevention  
6 Strategic Planning Committee to develop the Illinois  
7 Suicide Prevention Strategic Plan. That law required the  
8 use of the 2002 United States Surgeon General's National  
9 Suicide Prevention Strategy as a model for the Plan.  
10 Public Act 95-109 changed the name of the committee to the  
11 Illinois Suicide Prevention Alliance. The Illinois Suicide  
12 Prevention Strategic Plan was submitted in 2007 and  
13 updated in 2018.

14 (6) In 2004, there were 1,028 suicide deaths in  
15 Illinois, which the Centers for Disease Control reports  
16 was an age-adjusted rate of 8.11 deaths per 100,000. The  
17 Centers for Disease Control reports that the 1,474 suicide  
18 deaths in 2017 result in an age-adjusted rate of 11.19  
19 deaths per 100,000. Thus, since the enactment of Public  
20 Act 93-907, the rate of suicides in Illinois has risen by  
21 38%.

22 (7) Since the enactment of Public Act 93-907, there  
23 have been numerous developments in suicide prevention,  
24 including the issuance of the 2012 National Strategy for  
25 Suicide Prevention by the United States Surgeon General  
26 and the National Action Alliance for Suicide Prevention

1 containing new strategies and recommended activities for  
2 local governmental bodies.

3 (8) Despite the obvious impact of suicide on Illinois  
4 citizens, Illinois has devoted minimal resources to its  
5 prevention. There is no full-time coordinator or director  
6 of suicide prevention activities in the State. Moreover,  
7 the Suicide Prevention Strategic Plan is still modeled on  
8 the now obsolete 2002 National Suicide Prevention  
9 Strategy.

10 (9) It is necessary to revise the Suicide Prevention  
11 Strategic Plan to reflect the most current National  
12 Suicide Prevention Strategy as well as current research  
13 and experience into the prevention of suicide.

14 (10) One of the goals adopted in the 2012 National  
15 Strategy for Suicide Prevention is to promote suicide  
16 prevention as a core component of health care services so  
17 there is an active engagement of health and social  
18 services, as well as the coordination of care across  
19 multiple settings, thereby ensuring continuity of care and  
20 promoting patient safety.

21 (11) Integrating suicide prevention into behavioral  
22 and physical health care services can save lives. National  
23 data indicate that: over 30% of individuals are receiving  
24 mental health care at the time of their deaths by suicide;  
25 45% have seen their primary care physicians within one  
26 month of their deaths; and 25% of those who die of suicide

1 visited an emergency department in the year prior to their  
2 deaths.

3 (12) The Zero Suicide model is a part of the National  
4 Strategy for Suicide Prevention, a priority of the  
5 National Action Alliance for Suicide Prevention, and a  
6 project of the Suicide Prevention Resource Center that  
7 implements the goal of making suicide prevention a core  
8 component of health care services.

9 (13) The Zero Suicide model is built on the  
10 foundational belief and aspirational goal that suicide  
11 deaths of individuals who are under the care of our health  
12 care systems are preventable with the adoption of  
13 comprehensive training, patient engagement, transition,  
14 and quality improvement.

15 (14) Health care systems, including mental and  
16 behavioral health systems and hospitals, that have  
17 implemented the Zero Suicide model have noted significant  
18 reductions in suicide deaths for patients within their  
19 care.

20 (15) The Suicide Prevention Resource Center  
21 facilitates adoption of the Zero Suicide model by  
22 providing comprehensive information, resources, and tools  
23 for its implementation.

24 (Source: P.A. 101-331, eff. 8-9-19.)

25 Section 75. The Compassionate Use of Medical Cannabis

1 Program Act is amended by changing Section 5 as follows:

2 (410 ILCS 130/5)

3 Sec. 5. Findings.

4 (a) The recorded use of cannabis as a medicine goes back  
5 nearly 5,000 years. Modern medical research has confirmed the  
6 beneficial uses of cannabis in treating or alleviating the  
7 pain, nausea, and other symptoms associated with a variety of  
8 debilitating medical conditions, including cancer, multiple  
9 sclerosis, and HIV/AIDS, as found by the National Academy of  
10 Sciences' Institute of Medicine in March 1999.

11 (b) Studies published since the 1999 Institute of Medicine  
12 report continue to show the therapeutic value of cannabis in  
13 treating a wide array of debilitating medical conditions.  
14 These include relief of the neuropathic pain caused by  
15 multiple sclerosis, HIV/AIDS, and other illnesses that often  
16 fail to respond to conventional treatments and relief of  
17 nausea, vomiting, and other side effects of drugs used to  
18 treat HIV/AIDS and hepatitis C, increasing the chances of  
19 patients continuing on life-saving treatment regimens.

20 (c) Cannabis has many currently accepted medical uses in  
21 the United States, having been recommended by thousands of  
22 licensed physicians to at least 600,000 patients in states  
23 with medical cannabis laws. The medical utility of cannabis is  
24 recognized by a wide range of medical and public health  
25 organizations, including the American Academy of HIV Medicine,

1 the American College of Physicians, the American Nurses  
2 Association, the American Public Health Association, the  
3 Leukemia & Lymphoma Society, and many others.

4 (d) Data from the Federal Bureau of Investigation's  
5 Uniform Crime Reports and the Compendium of Federal Justice  
6 Statistics show that approximately 99 out of every 100  
7 cannabis arrests in the U.S. are made under state law, rather  
8 than under federal law. Consequently, changing State law will  
9 have the practical effect of protecting from arrest the vast  
10 majority of seriously ill patients who have a medical need to  
11 use cannabis.

12 (d-5) In 2014, the Task Force on Veterans' Suicide was  
13 created by the Illinois General Assembly to gather data on  
14 veterans' suicide prevention. Data from a U.S. Department of  
15 Veterans Affairs study indicates that 22 veterans commit  
16 suicide each day.

17 (d-10) According to the State of Illinois Opioid Action  
18 Plan released in September 2017, "The opioid epidemic is the  
19 most significant public health and public safety crisis facing  
20 Illinois". According to the Action Plan, "Fueled by the  
21 growing opioid epidemic, drug overdoses have now become the  
22 leading cause of death nationwide for people under the age of  
23 50. In Illinois, opioid overdoses have killed nearly 11,000  
24 people since 2008. Just last year, nearly 1,900 people died of  
25 overdoses—almost twice the number of fatal car crashes  
26 ~~accidents~~. Beyond these deaths are thousands of emergency

1 department visits, hospital stays, as well as the pain  
2 suffered by individuals, families, and communities".

3 According to the Action Plan, "At the current rate, the  
4 opioid epidemic will claim the lives of more than 2,700  
5 Illinoisans in 2020".

6 Further, the Action Plan states, "Physical tolerance to  
7 opioids can begin to develop as early as two to three days  
8 following the continuous use of opioids, which is a large  
9 factor that contributes to their addictive potential".

10 The 2017 State of Illinois Opioid Action Plan also states,  
11 "The increase in OUD [opioid use disorder] and opioid overdose  
12 deaths is largely due to the dramatic rise in the rate and  
13 amount of opioids prescribed for pain over the past decades".

14 Further, according to the Action Plan, "In the absence of  
15 alternative treatments, reducing the supply of prescription  
16 opioids too abruptly may drive more people to switch to using  
17 illicit drugs (including heroin), thus increasing the risk of  
18 overdose".

19 (e) Alaska, Arizona, California, Colorado, Connecticut,  
20 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,  
21 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,  
22 Washington, and Washington, D.C. have removed state-level  
23 criminal penalties from the medical use and cultivation of  
24 cannabis. Illinois joins in this effort for the health and  
25 welfare of its citizens.

26 (f) States are not required to enforce federal law or

1 prosecute people for engaging in activities prohibited by  
2 federal law. Therefore, compliance with this Act does not put  
3 the State of Illinois in violation of federal law.

4 (g) State law should make a distinction between the  
5 medical and non-medical uses of cannabis. Hence, the purpose  
6 of this Act is to protect patients with debilitating medical  
7 conditions, as well as their physicians and providers, from  
8 arrest and prosecution, criminal and other penalties, and  
9 property forfeiture if the patients engage in the medical use  
10 of cannabis.

11 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

12 Section 80. The Burn Injury Reporting Act is amended by  
13 changing Section 5 as follows:

14 (425 ILCS 7/5)

15 Sec. 5. Burn injury reporting.

16 (a) Every case of a burn injury treated in a hospital as  
17 described in this Act may be reported to the Office of the  
18 State Fire Marshal. The hospital's administrator, manager,  
19 superintendent, or his or her designee deciding to report  
20 under this Act shall make an oral report of every burn injury  
21 in a timely manner as soon as treatment permits, except as  
22 provided in subsection (c) of this Section, that meets one of  
23 the following criteria:

24 (1) a person receives a serious second-degree burn or



1 a third degree burn, but not a radiation burn, to 10% or  
2 more of the person's body as a whole;

3 (2) a person sustains a burn to the upper respiratory  
4 tract or occurring laryngeal edema due to the inhalation  
5 of superheated air;

6 (3) a person sustains any burn injury likely to result  
7 in death; or

8 (4) a person sustains any other burn injury not  
9 excluded by subsection (c).

10 (b) The oral report shall consist of notification by  
11 telephone to the Office of the State Fire Marshal using a  
12 toll-free number established by the Office of the State Fire  
13 Marshal for this purpose.

14 (c) A hospital's administrator, manager, superintendent,  
15 or his or her designee deciding to report under this Act shall  
16 not report any of the following burn injuries:

17 (1) a burn injury of an emergency medical responder,  
18 as defined in Section 3.50 of the Emergency Medical  
19 Services (EMS) Systems Act, sustained in the line of duty;

20 (2) a burn injury caused by lighting;

21 (3) a burn injury caused by a motor vehicle crash  
22 ~~accident~~; or

23 (4) a burn injury caused by an identifiable industrial  
24 accident or work-related accident.

25 (Source: P.A. 98-973, eff. 8-15-14.)

1 Section 85. The Illinois Public Health and Safety Animal  
2 Population Control Act is amended by changing Section 5 as  
3 follows:

4 (510 ILCS 92/5)

5 Sec. 5. Findings. The General Assembly finds the  
6 following:

7 (1) Controlling the dog and cat population would have  
8 a significant benefit to the public health and safety by  
9 aiding in the prevention of dog attacks, reducing the  
10 number of dog and cat bite cases involving children, and  
11 decreasing the number of automobile crashes ~~accidents~~  
12 caused by stray dogs and cats.

13 (2) Increasing the number of rabies-vaccinated, owned  
14 pets in low-income areas will reduce potential threats to  
15 public health and safety from rabies.

16 (3) Controlling the dog and cat population will save  
17 taxpayer dollars by reducing the number of dogs and cats  
18 handled by county and municipal animal control agencies.  
19 Targeted low-cost spay or neuter programs for dogs and  
20 cats in select Illinois counties and other states have  
21 proven to save taxpayers money.

22 (4) This Act is established to provide a variety of  
23 means by which population control and rabies vaccinations  
24 may be financed.

25 (Source: P.A. 94-639, eff. 8-22-05.)

1           Section 90. The Illinois Highway Code is amended by  
2 changing Section 1-102 as follows:

3           (605 ILCS 5/1-102) (from Ch. 121, par. 1-102)

4           Sec. 1-102. It is the intent and declared policy of the  
5 legislature that an integrated system of highways and streets  
6 is essential to the general welfare and to the agricultural,  
7 industrial, recreational, and social development of the State.  
8 In view of the rapid growth of the State's economy and  
9 increased use of public highways, the provision of safe and  
10 efficient highway transportation is a matter of public  
11 concern. It is the declared and continuous policy of the  
12 legislature to provide for improvement of highways and the  
13 highway transportation system as well as the preservation of  
14 investment in highways. To that end it is intended to provide  
15 for integrated and systematic planning and orderly development  
16 in accordance with actual needs. It is further declared that  
17 the provision of such a system with efficient management,  
18 operation, and control, and the elimination of congestion,  
19 crash ~~accident~~ reduction, and safety is an urgent problem and  
20 proper objective of highway legislation. It is further  
21 declared that highway transportation system development  
22 requires the cooperation of State, county, township, and  
23 municipal highway agencies and coordination of their  
24 activities on a continuous and partnership basis and the

1 legislature intends such cooperative relationships to  
2 accomplish this purpose.

3 It is also the intent and declared policy of the  
4 legislature that no public moneys derived from fees, excises  
5 or license taxes relating to registration, operation and use  
6 of vehicles on public highways or to fuels used for the  
7 propulsion of such vehicles, shall be appropriated or expended  
8 other than for costs of administering the laws imposing such  
9 fees, excises and license taxes, statutory refunds and  
10 adjustments allowed thereunder, highway administrative costs,  
11 payment of debts and liabilities incurred in construction and  
12 reconstruction of public highways and bridges, acquisition of  
13 rights-of-way for, and the cost of construction,  
14 reconstruction, maintenance, repair and operation of public  
15 highways and bridges under the direction and supervision of  
16 the State, political subdivision or municipality collecting  
17 such moneys, and the costs for patrolling and policing the  
18 public highways (by State, political subdivision or  
19 municipality collecting such money) for enforcement of traffic  
20 laws. The separation of grades of such highways with railroads  
21 and costs associated with protection of at-grade highway and  
22 railroad crossings shall also be permissible.

23 (Source: P.A. 81-2nd S.S.-3.)

24 Section 95. The Toll Highway Act is amended by changing  
25 Section 19.1 as follows:

1 (605 ILCS 10/19.1)

2 Sec. 19.1. Confidentiality of personally identifiable  
3 information obtained through electronic toll collection  
4 system.

5 (a) For purposes of this Section:

6 "Electronic toll collection system" is a system where a  
7 transponder, camera-based vehicle identification system, or  
8 other electronic medium is used to deduct payment of a toll  
9 from a subscriber's account or to establish an obligation to  
10 pay a toll.

11 "Electronic toll collection system user" means any natural  
12 person who subscribes to an electronic toll collection system  
13 or any natural person who uses a tolled transportation  
14 facility that employs the Authority's electronic toll  
15 collection system.

16 "Personally identifiable information" means any  
17 information that identifies or describes an electronic toll  
18 collection system user, including but not limited to travel  
19 pattern data, address, telephone number, e-mail address,  
20 license plate number, photograph, bank account information, or  
21 credit card number.

22 (b) Except as otherwise provided in this Section, the  
23 Authority may not sell or otherwise provide to any person or  
24 entity personally identifiable information of any electronic  
25 toll collection system user that the Authority obtains through

1 the operation of its electronic toll collection system.

2 (c) The Authority may, within practical business and cost  
3 constraints, store personally identifiable information of an  
4 electronic toll collection system user only if the information  
5 is required to perform account functions such as billing,  
6 account settlement, or toll violation enforcement activities.

7 (d) By no later than December 31, 2011, the Authority  
8 shall establish a privacy policy regarding the collection and  
9 use of personally identifiable information. Upon its adoption,  
10 the policy shall be posted on the Authority's website and a  
11 copy shall be included with each transponder transmitted to a  
12 user. The policy shall include but need not be limited to the  
13 following:

14 (1) A description of the types of personally  
15 identifiable information collected by the Authority.

16 (2) The categories of third-party persons or entities  
17 with whom the Authority may share personally identifiable  
18 information and for what purposes that information is  
19 shared.

20 (3) The process by which the Authority notifies  
21 electronic toll collection system users of material  
22 changes to its privacy policy.

23 (4) The process by which an electronic toll collection  
24 system user may review and request changes to any of his or  
25 her personally identifiable information.

26 (5) The effective date of the privacy policy.

1 (e) This Section does not prohibit the Authority from:

2 (1) providing aggregated traveler information derived  
3 from collective data relating to a group or category of  
4 electronic toll collection system users from which  
5 personally identifiable information has been removed;

6 (2) sharing data with another transportation agency or  
7 third-party vendor to comply with interoperability  
8 specifications and standards regarding electronic toll  
9 collection devices and technologies, provided that the  
10 other transportation agency or third-party vendor may not  
11 use personally identifiable information obtained under  
12 this Section for a purpose other than described in this  
13 Section;

14 (3) performing financial, legal and accounting  
15 functions such as billing, account settlement, toll  
16 violation enforcement, or other activities required to  
17 operate and manage its toll collection system;

18 (4) communicating about products and services offered  
19 by itself, a business partner, or another public agency;

20 (5) using personally identifiable information in  
21 research projects, provided that appropriate  
22 confidentiality restrictions are employed to protect  
23 against the unauthorized release of such information;

24 (6) releasing personally identifiable information in  
25 response to a warrant, subpoena or lawful order from a  
26 court of competent jurisdiction;

1 (7) releasing personally identifiable information to  
2 law enforcement agencies in the case of an emergency when  
3 obtaining a warrant or subpoena would be impractical; and

4 (8) releasing personally identifiable information to  
5 the Authority's Inspector General or, at the Inspector  
6 General's direction, to law enforcement agencies under  
7 paragraphs (5) and (6) of subsection (f) of Section 8.5 of  
8 this Act.

9 (f) In any agreement allowing another public entity to use  
10 the Authority's toll collection system in a transportation  
11 facility, the Authority shall require the other public entity  
12 to comply with the requirements of this Section.

13 (g) Personally identifiable information generated through  
14 the Authority's toll collection process that reveals the date,  
15 time, location or direction of travel by an electronic toll  
16 collection system user shall be exempt from release under the  
17 Illinois Freedom of Information Act. The exemption in this  
18 subsection shall not apply to information that concerns (i)  
19 the public duties of public employees and officials; (ii)  
20 whether an electronic toll collection system user has paid  
21 tolls; (iii) whether the Authority is enforcing toll violation  
22 penalties against electronic toll collection users who do not  
23 pay tolls; (iv) crashes ~~accidents~~ or other incidents that  
24 occur on highways under the jurisdiction of the Authority; or  
25 (v) the obligation, receipt, and use of the funds of the  
26 Authority. The exemption in this subsection (g) shall not be a



1 limitation or restriction on other Freedom of Information Act  
2 exemptions applicable to personally identifiable information  
3 or private information.

4 (Source: P.A. 97-342, eff. 8-12-11.)

5 Section 100. The Roadside Memorial Act is amended by  
6 changing Section 23.1 as follows:

7 (605 ILCS 125/23.1)

8 Sec. 23.1. Fatal crash ~~accident~~ memorial marker program.

9 (a) The fatal crash ~~accident~~ memorial marker program is  
10 intended to raise public awareness of traffic fatalities  
11 caused by reckless driving or other means by emphasizing the  
12 dangers while affording families an opportunity to remember  
13 the victims of traffic crashes.

14 (b) As used in this Section, "fatal crash ~~accident~~  
15 memorial marker" means a marker on a highway in this State  
16 commemorating one or more persons who died as a proximate  
17 result of a crash caused by a driver who committed an act of  
18 reckless homicide in violation of Section 9-3 or 9-3.2 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012 or who  
20 otherwise caused the death of one or more persons through the  
21 operation of a motor vehicle.

22 (c) For purposes of the fatal crash ~~accident~~ memorial  
23 marker program in this Section, the provisions of Section 15  
24 of this Act applicable to DUI memorial markers shall apply the

1 same to fatal crash ~~accident~~ memorial markers.

2 (d) A fatal crash ~~accident~~ memorial marker shall consist  
3 of a white on blue panel bearing the message "Reckless Driving  
4 Costs Lives" if the victim or victims died as a proximate  
5 result of a crash caused by a driver who committed an act of  
6 reckless homicide in violation of Section 9-3 or 9-3.2 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012. Otherwise,  
8 a fatal crash ~~accident~~ memorial marker shall consist of a  
9 white on blue panel bearing the message "Drive With Care". At  
10 the request of the qualified relative, a separate panel  
11 bearing the words "In Memory of (victim's name)", followed by  
12 the date of the crash that was the proximate cause of the loss  
13 of the victim's life, shall be mounted below the primary  
14 panel.

15 (e) A fatal crash ~~accident~~ memorial marker may memorialize  
16 more than one victim who died as a result of the same crash. If  
17 one or more additional deaths subsequently occur in close  
18 proximity to an existing fatal crash ~~accident~~ memorial marker,  
19 the supporting jurisdiction may use the same marker to  
20 memorialize the subsequent death or deaths, by adding the  
21 names of the additional persons.

22 (f) A fatal crash ~~accident~~ memorial marker shall be  
23 maintained for at least 2 years from the date the last person  
24 was memorialized on the marker.

25 (g) The supporting jurisdiction has the right to install a  
26 marker at a location other than the location of the crash or to

1 relocate a marker due to restricted room, property owner  
2 complaints, interference with essential traffic control  
3 devices, safety concerns, or other restrictions. In these  
4 cases, the sponsoring jurisdiction may select an alternate  
5 location.

6 (h) The Department shall secure the consent of any  
7 municipality before placing a fatal crash ~~accident~~ memorial  
8 marker within the corporate limits of the municipality.

9 (i) A fee in an amount to be determined by the supporting  
10 jurisdiction shall be charged to the qualified relative. The  
11 fee shall not exceed the costs associated with the  
12 fabrication, installation, and maintenance of the fatal crash  
13 ~~accident~~ memorial marker.

14 (j) The provisions of this Section shall apply to any  
15 fatal crash ~~accident~~ marker constructed on or after January 1,  
16 2013.

17 (Source: P.A. 102-60, eff. 7-9-21.)

18 Section 105. The Illinois Vehicle Code is amended by  
19 changing Sections 1-146.5, 1-159.2, 1-164.5, 1-187.001,  
20 1-197.6, 2-118.1, 2-123, 4-203, 5-101, 5-101.1, 5-102,  
21 5-102.8, 6-101, 6-106.1, 6-106.1a, 6-106.2, 6-106.3, 6-106.4,  
22 6-107, 6-107.5, 6-108.1, 6-113, 6-117, 6-117.2, 6-201, 6-205,  
23 6-206, 6-208.1, 6-303, 6-402, 6-420, 6-500, 6-500.2, 6-514,  
24 6-516, 6-703, 6-1002, 6-1004, 6-1009, 7-201, 7-201.1, 7-201.2,  
25 7-202, 7-203, 7-204, 7-208, 7-209, 7-211, 7-212, 7-214, 7-216,

1 7-303, 7-309, 7-310, 7-311, 7-316, 7-317, 7-328, 7-329, 7-502,  
2 7-504, 7-604, 9-105, 10-201, 11-208.6, 11-208.9, 11-401,  
3 11-402, 11-403, 11-404, 11-407, 11-408, 11-409, 11-411,  
4 11-412, 11-413, 11-414, 11-415, 11-416, 11-417, 11-501,  
5 11-501.1, 11-501.2, 11-501.4-1, 11-501.6, 11-501.7, 11-501.8,  
6 11-506, 11-610, 11-1431, 12-215, 12-604.1, 12-610.1, 12-610.2,  
7 12-707.01, 13-109, 13-111, 15-301, 16-108, 18a-301, 18b-105,  
8 18b-108, 18c-6502, 18c-7402, and 20-202 and the headings of  
9 Article II of Chapter 7 and Article IV of Chapter 11 and by  
10 adding Section 20-205 as follows:

11 (625 ILCS 5/1-146.5)

12 Sec. 1-146.5. Motor vehicle crash ~~accident~~ data. Any  
13 information generated from a motor vehicle crash ~~accident~~  
14 report or supplemental report, but shall not include a copy of  
15 the motor vehicle crash ~~accident~~ report or supplemental  
16 report, personally identifying information as defined in  
17 Section 1-159.2 of this Code, or any other information  
18 disclosure of which is prohibited by law.

19 (Source: P.A. 100-96, eff. 1-1-18.)

20 (625 ILCS 5/1-159.2)

21 Sec. 1-159.2. Personally identifying information.  
22 Information that identifies an individual, including his or  
23 her driver's license number, name, address (but not the 5  
24 digit zip code), date of birth, height, weight, hair color,

1 eye color, email address, and telephone number, but  
2 "personally identifying information" does not include  
3 information on vehicular crashes ~~accidents~~, driving  
4 violations, and driver's status.

5 (Source: P.A. 101-326, eff. 8-9-19.)

6 (625 ILCS 5/1-164.5)

7 Sec. 1-164.5. Proof of financial responsibility. Proof of  
8 ability to respond in damages for any liability thereafter  
9 incurred resulting from the ownership, maintenance, use or  
10 operation of a motor vehicle for bodily injury to or death of  
11 any person in the amount of \$25,000, and subject to this limit  
12 for any one person injured or killed, in the amount of \$50,000  
13 for bodily injury to or death of 2 or more persons in any one  
14 crash ~~accident~~, and for damage to property in the amount of  
15 \$20,000 resulting from any one crash ~~accident~~. This proof in  
16 these amounts shall be furnished for each motor vehicle  
17 registered by every person required to furnish this proof. The  
18 changes to this Section made by this amendatory Act of the 98th  
19 General Assembly apply only to policies issued or renewed on  
20 or after January 1, 2015.

21 (Source: P.A. 98-519, eff. 1-1-15.)

22 (625 ILCS 5/1-187.001)

23 Sec. 1-187.001. Serious traffic violation.

24 (a) A conviction when operating a motor vehicle for:

1 (1) a violation of subsection (a) of Section 11-402,  
2 relating to a motor vehicle crash ~~accident~~ involving  
3 damage to a vehicle;

4 (2) a violation of Section 11-403, relating to failure  
5 to stop and exchange information after a motor vehicle  
6 collision, property damage only;

7 (3) a violation of subsection (a) of Section 11-502,  
8 relating to illegal transportation, possession, or  
9 carrying of alcoholic liquor within the passenger area of  
10 any vehicle;

11 (4) a violation of Section 6-101 relating to operating  
12 a motor vehicle without a valid license or permit;

13 (5) a violation of Section 11-403, relating to failure  
14 to stop and exchange information or give aid after a motor  
15 vehicle collision involving personal injury or death;

16 (6) a violation relating to excessive speeding,  
17 involving a single speeding charge of 26 miles per hour or  
18 more above the legal speed limit;

19 (7) a violation relating to reckless driving;

20 (8) a violation of subsection (d) of Section 11-707,  
21 relating to passing in a no-passing zone;

22 (9) a violation of subsection (b) of Section 11-1402,  
23 relating to limitations on backing upon a controlled  
24 access highway;

25 (10) a violation of subsection (b) of Section 11-707,  
26 relating to driving on the left side of a roadway in a

1 no-passing zone;

2 (11) a violation of subsection (e) of Section 11-1002,  
3 relating to failure to yield the right-of-way to a  
4 pedestrian at an intersection;

5 (12) a violation of Section 11-1008, relating to  
6 failure to yield to a pedestrian on a sidewalk; or

7 (13) a violation of Section 11-1201, relating to  
8 failure to stop for an approaching railroad train or  
9 railroad track equipment or signals; or

10 (b) Any other similar violation of a law or local  
11 ordinance of any state relating to motor vehicle traffic  
12 control, other than a parking violation.

13 (c) A violation of any of these defined serious traffic  
14 offenses shall not preclude the defendant from being eligible  
15 to receive an order of court supervision under Section 5-6-1  
16 of the Unified Code of Corrections.

17 (Source: P.A. 98-511, eff. 1-1-14.)

18 (625 ILCS 5/1-197.6)

19 Sec. 1-197.6. Statutory summary revocation of driving  
20 privileges. The revocation by the Secretary of State of a  
21 person's license or privilege to operate a motor vehicle on  
22 the public highways for the period provided in Section  
23 6-208.1. Reinstatement after the revocation period shall occur  
24 after the person has been approved for reinstatement through  
25 an administrative hearing with the Secretary of State, has

1 filed proof of financial responsibility, has paid the  
2 reinstatement fee as provided in Section 6-118, and has  
3 successfully completed all necessary examinations. The basis  
4 for this revocation of driving privileges shall be the  
5 individual's refusal to submit to or failure to complete a  
6 chemical test or tests following an arrest for the offense of  
7 driving under the influence of alcohol, other drugs, or  
8 intoxicating compounds, or any combination thereof involving a  
9 motor vehicle crash ~~accident~~ that caused personal injury or  
10 death to another, as provided in Section 11-501.1 of this  
11 Code.

12 (Source: P.A. 96-1344, eff. 7-1-11.)

13 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

14 Sec. 2-118.1. Opportunity for hearing; statutory summary  
15 alcohol or other drug related suspension or revocation  
16 pursuant to Section 11-501.1.

17 (a) A statutory summary suspension or revocation of  
18 driving privileges under Section 11-501.1 shall not become  
19 effective until the person is notified in writing of the  
20 impending suspension or revocation and informed that he may  
21 request a hearing in the circuit court of venue under  
22 paragraph (b) of this Section and the statutory summary  
23 suspension or revocation shall become effective as provided in  
24 Section 11-501.1.

25 (b) Within 90 days after the notice of statutory summary



1 suspension or revocation served under Section 11-501.1, the  
2 person may make a written request for a judicial hearing in the  
3 circuit court of venue. The request to the circuit court shall  
4 state the grounds upon which the person seeks to have the  
5 statutory summary suspension or revocation rescinded. Within  
6 30 days after receipt of the written request or the first  
7 appearance date on the Uniform Traffic Ticket issued pursuant  
8 to a violation of Section 11-501, or a similar provision of a  
9 local ordinance, the hearing shall be conducted by the circuit  
10 court having jurisdiction. This judicial hearing, request, or  
11 process shall not stay or delay the statutory summary  
12 suspension or revocation. The hearings shall proceed in the  
13 court in the same manner as in other civil proceedings.

14 The hearing may be conducted upon a review of the law  
15 enforcement officer's own official reports; provided however,  
16 that the person may subpoena the officer. Failure of the  
17 officer to answer the subpoena shall be considered grounds for  
18 a continuance if in the court's discretion the continuance is  
19 appropriate.

20 The scope of the hearing shall be limited to the issues of:

- 21 1. Whether the person was placed under arrest for an  
22 offense as defined in Section 11-501, or a similar  
23 provision of a local ordinance, as evidenced by the  
24 issuance of a Uniform Traffic Ticket, or issued a Uniform  
25 Traffic Ticket out of state as provided in subsection (a)  
26 of Section 11-501.1; and

1           2. Whether the officer had reasonable grounds to  
2 believe that the person was driving or in actual physical  
3 control of a motor vehicle upon a highway while under the  
4 influence of alcohol, other drug, or combination of both;  
5 and

6           3. Whether the person, after being advised by the  
7 officer that the privilege to operate a motor vehicle  
8 would be suspended or revoked if the person refused to  
9 submit to and complete the test or tests, did refuse to  
10 submit to or complete the test or tests to determine the  
11 person's blood alcohol or drug concentration; or

12           4. Whether the person, after being advised by the  
13 officer that the privilege to operate a motor vehicle  
14 would be suspended if the person submits to a chemical  
15 test, or tests, and the test discloses an alcohol  
16 concentration of 0.08 or more, a tetrahydrocannabinol  
17 concentration as defined in paragraph 6 of subsection (a)  
18 of Section 11-501.2 of this Code, or any amount of a drug,  
19 substance, or compound in the person's blood, other bodily  
20 substance, or urine resulting from the unlawful use or  
21 consumption of a controlled substance listed in the  
22 Illinois Controlled Substances Act, an intoxicating  
23 compound as listed in the Use of Intoxicating Compounds  
24 Act, or methamphetamine as listed in the Methamphetamine  
25 Control and Community Protection Act, and the person did  
26 submit to and complete the test or tests that determined

1 an alcohol concentration of 0.08 or more.

2 4.2. (Blank).

3 4.5. (Blank).

4 5. If the person's driving privileges were revoked,  
5 whether the person was involved in a motor vehicle crash  
6 ~~accident~~ that caused Type A injury or death to another.

7 Upon the conclusion of the judicial hearing, the circuit  
8 court shall sustain or rescind the statutory summary  
9 suspension or revocation and immediately notify the Secretary  
10 of State. Reports received by the Secretary of State under  
11 this Section shall be privileged information and for use only  
12 by the courts, police officers, and Secretary of State.

13 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;  
14 99-697, eff. 7-29-16.)

15 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

16 Sec. 2-123. Sale and distribution of information.

17 (a) Except as otherwise provided in this Section, the  
18 Secretary may make the driver's license, vehicle and title  
19 registration lists, in part or in whole, and any statistical  
20 information derived from these lists available to local  
21 governments, elected state officials, state educational  
22 institutions, and all other governmental units of the State  
23 and Federal Government requesting them for governmental  
24 purposes. The Secretary shall require any such applicant for  
25 services to pay for the costs of furnishing such services and

1 the use of the equipment involved, and in addition is  
2 empowered to establish prices and charges for the services so  
3 furnished and for the use of the electronic equipment  
4 utilized.

5 (b) The Secretary is further empowered to and he may, in  
6 his discretion, furnish to any applicant, other than listed in  
7 subsection (a) of this Section, vehicle or driver data on a  
8 computer tape, disk, other electronic format or computer  
9 processable medium, or printout at a fixed fee of \$250 for  
10 orders received before October 1, 2003 and \$500 for orders  
11 received on or after October 1, 2003, in advance, and require  
12 in addition a further sufficient deposit based upon the  
13 Secretary of State's estimate of the total cost of the  
14 information requested and a charge of \$25 for orders received  
15 before October 1, 2003 and \$50 for orders received on or after  
16 October 1, 2003, per 1,000 units or part thereof identified or  
17 the actual cost, whichever is greater. The Secretary is  
18 authorized to refund any difference between the additional  
19 deposit and the actual cost of the request. This service shall  
20 not be in lieu of an abstract of a driver's record nor of a  
21 title or registration search. This service may be limited to  
22 entities purchasing a minimum number of records as required by  
23 administrative rule. The information sold pursuant to this  
24 subsection shall be the entire vehicle or driver data list, or  
25 part thereof. The information sold pursuant to this subsection  
26 shall not contain personally identifying information unless

1 the information is to be used for one of the purposes  
2 identified in subsection (f-5) of this Section. Commercial  
3 purchasers of driver and vehicle record databases shall enter  
4 into a written agreement with the Secretary of State that  
5 includes disclosure of the commercial use of the information  
6 to be purchased.

7 (b-1) The Secretary is further empowered to and may, in  
8 his or her discretion, furnish vehicle or driver data on a  
9 computer tape, disk, or other electronic format or computer  
10 processible medium, at no fee, to any State or local  
11 governmental agency that uses the information provided by the  
12 Secretary to transmit data back to the Secretary that enables  
13 the Secretary to maintain accurate driving records, including  
14 dispositions of traffic cases. This information may be  
15 provided without fee not more often than once every 6 months.

16 (c) Secretary of State may issue registration lists. The  
17 Secretary of State may compile a list of all registered  
18 vehicles. Each list of registered vehicles shall be arranged  
19 serially according to the registration numbers assigned to  
20 registered vehicles and may contain in addition the names and  
21 addresses of registered owners and a brief description of each  
22 vehicle including the serial or other identifying number  
23 thereof. Such compilation may be in such form as in the  
24 discretion of the Secretary of State may seem best for the  
25 purposes intended.

26 (d) The Secretary of State shall furnish no more than 2

1 current available lists of such registrations to the sheriffs  
2 of all counties and to the chiefs of police of all cities and  
3 villages and towns of 2,000 population and over in this State  
4 at no cost. Additional copies may be purchased by the sheriffs  
5 or chiefs of police at the fee of \$500 each or at the cost of  
6 producing the list as determined by the Secretary of State.  
7 Such lists are to be used for governmental purposes only.

8 (e) (Blank).

9 (e-1) (Blank).

10 (f) The Secretary of State shall make a title or  
11 registration search of the records of his office and a written  
12 report on the same for any person, upon written application of  
13 such person, accompanied by a fee of \$5 for each registration  
14 or title search. The written application shall set forth the  
15 intended use of the requested information. No fee shall be  
16 charged for a title or registration search, or for the  
17 certification thereof requested by a government agency. The  
18 report of the title or registration search shall not contain  
19 personally identifying information unless the request for a  
20 search was made for one of the purposes identified in  
21 subsection (f-5) of this Section. The report of the title or  
22 registration search shall not contain highly restricted  
23 personal information unless specifically authorized by this  
24 Code.

25 The Secretary of State shall certify a title or  
26 registration record upon written request. The fee for

1 certification shall be \$5 in addition to the fee required for a  
2 title or registration search. Certification shall be made  
3 under the signature of the Secretary of State and shall be  
4 authenticated by Seal of the Secretary of State.

5 The Secretary of State may notify the vehicle owner or  
6 registrant of the request for purchase of his title or  
7 registration information as the Secretary deems appropriate.

8 No information shall be released to the requester until  
9 expiration of a 10-day period. This 10-day period shall not  
10 apply to requests for information made by law enforcement  
11 officials, government agencies, financial institutions,  
12 attorneys, insurers, employers, automobile associated  
13 businesses, persons licensed as a private detective or firms  
14 licensed as a private detective agency under the Private  
15 Detective, Private Alarm, Private Security, Fingerprint  
16 Vendor, and Locksmith Act of 2004, who are employed by or are  
17 acting on behalf of law enforcement officials, government  
18 agencies, financial institutions, attorneys, insurers,  
19 employers, automobile associated businesses, and other  
20 business entities for purposes consistent with the Illinois  
21 Vehicle Code, the vehicle owner or registrant or other  
22 entities as the Secretary may exempt by rule and regulation.

23 Any misrepresentation made by a requester of title or  
24 vehicle information shall be punishable as a petty offense,  
25 except in the case of persons licensed as a private detective  
26 or firms licensed as a private detective agency which shall be

1 subject to disciplinary sanctions under Section 40-10 of the  
2 Private Detective, Private Alarm, Private Security,  
3 Fingerprint Vendor, and Locksmith Act of 2004.

4 (f-5) The Secretary of State shall not disclose or  
5 otherwise make available to any person or entity any  
6 personally identifying information obtained by the Secretary  
7 of State in connection with a driver's license, vehicle, or  
8 title registration record unless the information is disclosed  
9 for one of the following purposes:

10 (1) For use by any government agency, including any  
11 court or law enforcement agency, in carrying out its  
12 functions, or any private person or entity acting on  
13 behalf of a federal, State, or local agency in carrying  
14 out its functions.

15 (2) For use in connection with matters of motor  
16 vehicle or driver safety and theft; motor vehicle  
17 emissions; motor vehicle product alterations, recalls, or  
18 advisories; performance monitoring of motor vehicles,  
19 motor vehicle parts, and dealers; and removal of non-owner  
20 records from the original owner records of motor vehicle  
21 manufacturers.

22 (3) For use in the normal course of business by a  
23 legitimate business or its agents, employees, or  
24 contractors, but only:

25 (A) to verify the accuracy of personal information  
26 submitted by an individual to the business or its



1 agents, employees, or contractors; and

2 (B) if such information as so submitted is not  
3 correct or is no longer correct, to obtain the correct  
4 information, but only for the purposes of preventing  
5 fraud by, pursuing legal remedies against, or  
6 recovering on a debt or security interest against, the  
7 individual.

8 (4) For use in research activities and for use in  
9 producing statistical reports, if the personally  
10 identifying information is not published, redisclosed, or  
11 used to contact individuals.

12 (5) For use in connection with any civil, criminal,  
13 administrative, or arbitral proceeding in any federal,  
14 State, or local court or agency or before any  
15 self-regulatory body, including the service of process,  
16 investigation in anticipation of litigation, and the  
17 execution or enforcement of judgments and orders, or  
18 pursuant to an order of a federal, State, or local court.

19 (6) For use by any insurer or insurance support  
20 organization or by a self-insured entity or its agents,  
21 employees, or contractors in connection with claims  
22 investigation activities, antifraud activities, rating, or  
23 underwriting.

24 (7) For use in providing notice to the owners of towed  
25 or impounded vehicles.

26 (8) For use by any person licensed as a private

1           detective or firm licensed as a private detective agency  
2           under the Private Detective, Private Alarm, Private  
3           Security, Fingerprint Vendor, and Locksmith Act of 2004,  
4           private investigative agency or security service licensed  
5           in Illinois for any purpose permitted under this  
6           subsection.

7           (9) For use by an employer or its agent or insurer to  
8           obtain or verify information relating to a holder of a  
9           commercial driver's license that is required under chapter  
10          313 of title 49 of the United States Code.

11          (10) For use in connection with the operation of  
12          private toll transportation facilities.

13          (11) For use by any requester, if the requester  
14          demonstrates it has obtained the written consent of the  
15          individual to whom the information pertains.

16          (12) For use by members of the news media, as defined  
17          in Section 1-148.5, for the purpose of newsgathering when  
18          the request relates to the operation of a motor vehicle or  
19          public safety.

20          (13) For any other use specifically authorized by law,  
21          if that use is related to the operation of a motor vehicle  
22          or public safety.

23          (f-6) The Secretary of State shall not disclose or  
24          otherwise make available to any person or entity any highly  
25          restricted personal information obtained by the Secretary of  
26          State in connection with a driver's license, vehicle, or title

1 registration record unless specifically authorized by this  
2 Code.

3 (g) 1. The Secretary of State may, upon receipt of a  
4 written request and a fee as set forth in Section 6-118,  
5 furnish to the person or agency so requesting a driver's  
6 record or data contained therein. Such document may include a  
7 record of: current driver's license issuance information,  
8 except that the information on judicial driving permits shall  
9 be available only as otherwise provided by this Code;  
10 convictions; orders entered revoking, suspending or cancelling  
11 a driver's license or privilege; and notations of crash  
12 ~~accident~~ involvement. All other information, unless otherwise  
13 permitted by this Code, shall remain confidential. Information  
14 released pursuant to a request for a driver's record shall not  
15 contain personally identifying information, unless the request  
16 for the driver's record was made for one of the purposes set  
17 forth in subsection (f-5) of this Section. The Secretary of  
18 State may, without fee, allow a parent or guardian of a person  
19 under the age of 18 years, who holds an instruction permit or  
20 graduated driver's license, to view that person's driving  
21 record online, through a computer connection. The parent or  
22 guardian's online access to the driving record will terminate  
23 when the instruction permit or graduated driver's license  
24 holder reaches the age of 18.

25 2. The Secretary of State shall not disclose or otherwise  
26 make available to any person or entity any highly restricted

1 personal information obtained by the Secretary of State in  
2 connection with a driver's license, vehicle, or title  
3 registration record unless specifically authorized by this  
4 Code. The Secretary of State may certify an abstract of a  
5 driver's record upon written request therefor. Such  
6 certification shall be made under the signature of the  
7 Secretary of State and shall be authenticated by the Seal of  
8 his office.

9 3. All requests for driving record information shall be  
10 made in a manner prescribed by the Secretary and shall set  
11 forth the intended use of the requested information.

12 The Secretary of State may notify the affected driver of  
13 the request for purchase of his driver's record as the  
14 Secretary deems appropriate.

15 No information shall be released to the requester until  
16 expiration of a 10-day period. This 10-day period shall not  
17 apply to requests for information made by law enforcement  
18 officials, government agencies, financial institutions,  
19 attorneys, insurers, employers, automobile associated  
20 businesses, persons licensed as a private detective or firms  
21 licensed as a private detective agency under the Private  
22 Detective, Private Alarm, Private Security, Fingerprint  
23 Vendor, and Locksmith Act of 2004, who are employed by or are  
24 acting on behalf of law enforcement officials, government  
25 agencies, financial institutions, attorneys, insurers,  
26 employers, automobile associated businesses, and other

1 business entities for purposes consistent with the Illinois  
2 Vehicle Code, the affected driver or other entities as the  
3 Secretary may exempt by rule and regulation.

4 Any misrepresentation made by a requester of driver  
5 information shall be punishable as a petty offense, except in  
6 the case of persons licensed as a private detective or firms  
7 licensed as a private detective agency which shall be subject  
8 to disciplinary sanctions under Section 40-10 of the Private  
9 Detective, Private Alarm, Private Security, Fingerprint  
10 Vendor, and Locksmith Act of 2004.

11 4. The Secretary of State may furnish without fee, upon  
12 the written request of a law enforcement agency, any  
13 information from a driver's record on file with the Secretary  
14 of State when such information is required in the enforcement  
15 of this Code or any other law relating to the operation of  
16 motor vehicles, including records of dispositions; documented  
17 information involving the use of a motor vehicle; whether such  
18 individual has, or previously had, a driver's license; and the  
19 address and personal description as reflected on said driver's  
20 record.

21 5. Except as otherwise provided in this Section, the  
22 Secretary of State may furnish, without fee, information from  
23 an individual driver's record on file, if a written request  
24 therefor is submitted by any public transit system or  
25 authority, public defender, law enforcement agency, a state or  
26 federal agency, or an Illinois local intergovernmental

1 association, if the request is for the purpose of a background  
2 check of applicants for employment with the requesting agency,  
3 or for the purpose of an official investigation conducted by  
4 the agency, or to determine a current address for the driver so  
5 public funds can be recovered or paid to the driver, or for any  
6 other purpose set forth in subsection (f-5) of this Section.

7 The Secretary may also furnish the courts a copy of an  
8 abstract of a driver's record, without fee, subsequent to an  
9 arrest for a violation of Section 11-501 or a similar  
10 provision of a local ordinance. Such abstract may include  
11 records of dispositions; documented information involving the  
12 use of a motor vehicle as contained in the current file;  
13 whether such individual has, or previously had, a driver's  
14 license; and the address and personal description as reflected  
15 on said driver's record.

16 6. Any certified abstract issued by the Secretary of State  
17 or transmitted electronically by the Secretary of State  
18 pursuant to this Section, to a court or on request of a law  
19 enforcement agency, for the record of a named person as to the  
20 status of the person's driver's license shall be prima facie  
21 evidence of the facts therein stated and if the name appearing  
22 in such abstract is the same as that of a person named in an  
23 information or warrant, such abstract shall be prima facie  
24 evidence that the person named in such information or warrant  
25 is the same person as the person named in such abstract and  
26 shall be admissible for any prosecution under this Code and be

1 admitted as proof of any prior conviction or proof of records,  
2 notices, or orders recorded on individual driving records  
3 maintained by the Secretary of State.

4 7. Subject to any restrictions contained in the Juvenile  
5 Court Act of 1987, and upon receipt of a proper request and a  
6 fee as set forth in Section 6-118, the Secretary of State shall  
7 provide a driver's record or data contained therein to the  
8 affected driver, or the affected driver's attorney, upon  
9 verification. Such record shall contain all the information  
10 referred to in paragraph 1 of this subsection (g) plus: any  
11 recorded crash ~~accident~~ involvement as a driver; information  
12 recorded pursuant to subsection (e) of Section 6-117 and  
13 paragraph (4) of subsection (a) of Section 6-204 of this Code.  
14 All other information, unless otherwise permitted by this  
15 Code, shall remain confidential.

16 (h) The Secretary shall not disclose social security  
17 numbers or any associated information obtained from the Social  
18 Security Administration except pursuant to a written request  
19 by, or with the prior written consent of, the individual  
20 except: (1) to officers and employees of the Secretary who  
21 have a need to know the social security numbers in performance  
22 of their official duties, (2) to law enforcement officials for  
23 a civil or criminal law enforcement investigation, and if an  
24 officer of the law enforcement agency has made a written  
25 request to the Secretary specifying the law enforcement  
26 investigation for which the social security numbers are being

1 sought, though the Secretary retains the right to require  
2 additional verification regarding the validity of the request,  
3 (3) to the United States Department of Transportation, or any  
4 other State, pursuant to the administration and enforcement of  
5 the Commercial Motor Vehicle Safety Act of 1986 or  
6 participation in State-to-State verification service, (4)  
7 pursuant to the order of a court of competent jurisdiction,  
8 (5) to the Department of Healthcare and Family Services  
9 (formerly Department of Public Aid) for utilization in the  
10 child support enforcement duties assigned to that Department  
11 under provisions of the Illinois Public Aid Code after the  
12 individual has received advanced meaningful notification of  
13 what redisclosure is sought by the Secretary in accordance  
14 with the federal Privacy Act, (5.5) to the Department of  
15 Healthcare and Family Services and the Department of Human  
16 Services solely for the purpose of verifying Illinois  
17 residency where such residency is an eligibility requirement  
18 for benefits under the Illinois Public Aid Code or any other  
19 health benefit program administered by the Department of  
20 Healthcare and Family Services or the Department of Human  
21 Services, (6) to the Illinois Department of Revenue solely for  
22 use by the Department in the collection of any tax or debt that  
23 the Department of Revenue is authorized or required by law to  
24 collect, provided that the Department shall not disclose the  
25 social security number to any person or entity outside of the  
26 Department, (7) to the Illinois Department of Veterans'



1 Affairs for the purpose of confirming veteran status, or (8)  
2 the last 4 digits to the Illinois State Board of Elections for  
3 purposes of voter registration and as may be required pursuant  
4 to an agreement for a multi-state voter registration list  
5 maintenance system. If social security information is  
6 disclosed by the Secretary in accordance with this Section, no  
7 liability shall rest with the Office of the Secretary of State  
8 or any of its officers or employees, as the information is  
9 released for official purposes only.

10 (i) (Blank).

11 (j) Medical statements or medical reports received in the  
12 Secretary of State's Office shall be confidential. Except as  
13 provided in this Section, no confidential information may be  
14 open to public inspection or the contents disclosed to anyone,  
15 except officers and employees of the Secretary who have a need  
16 to know the information contained in the medical reports and  
17 the Driver License Medical Advisory Board, unless so directed  
18 by an order of a court of competent jurisdiction. If the  
19 Secretary receives a medical report regarding a driver that  
20 does not address a medical condition contained in a previous  
21 medical report, the Secretary may disclose the unaddressed  
22 medical condition to the driver or his or her physician, or  
23 both, solely for the purpose of submission of a medical report  
24 that addresses the condition.

25 (k) Disbursement of fees collected under this Section  
26 shall be as follows: (1) of the \$12 fee for a driver's record,

1 \$3 shall be paid into the Secretary of State Special Services  
2 Fund, and \$6 shall be paid into the General Revenue Fund; (2)  
3 50% of the amounts collected under subsection (b) shall be  
4 paid into the General Revenue Fund; and (3) all remaining fees  
5 shall be disbursed under subsection (g) of Section 2-119 of  
6 this Code.

7 (l) (Blank).

8 (m) Notations of crash ~~accident~~ involvement that may be  
9 disclosed under this Section shall not include notations  
10 relating to damage to a vehicle or other property being  
11 transported by a tow truck. This information shall remain  
12 confidential, provided that nothing in this subsection (m)  
13 shall limit disclosure of any notification of crash ~~accident~~  
14 involvement to any law enforcement agency or official.

15 (n) Requests made by the news media for driver's license,  
16 vehicle, or title registration information may be furnished  
17 without charge or at a reduced charge, as determined by the  
18 Secretary, when the specific purpose for requesting the  
19 documents is deemed to be in the public interest. Waiver or  
20 reduction of the fee is in the public interest if the principal  
21 purpose of the request is to access and disseminate  
22 information regarding the health, safety, and welfare or the  
23 legal rights of the general public and is not for the principal  
24 purpose of gaining a personal or commercial benefit. The  
25 information provided pursuant to this subsection shall not  
26 contain personally identifying information unless the

1 information is to be used for one of the purposes identified in  
2 subsection (f-5) of this Section.

3 (o) The redisclosure of personally identifying information  
4 obtained pursuant to this Section is prohibited, except to the  
5 extent necessary to effectuate the purpose for which the  
6 original disclosure of the information was permitted.

7 (p) The Secretary of State is empowered to adopt rules to  
8 effectuate this Section.

9 (Source: P.A. 100-590, eff. 6-8-18; 101-81, eff. 7-12-19;  
10 101-326, eff. 8-9-19.)

11 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

12 Sec. 4-203. Removal of motor vehicles or other vehicles;  
13 towing or hauling away.

14 (a) When a vehicle is abandoned, or left unattended, on a  
15 toll highway, interstate highway, or expressway for 2 hours or  
16 more, its removal by a towing service may be authorized by a  
17 law enforcement agency having jurisdiction.

18 (b) When a vehicle is abandoned on a highway in an urban  
19 district 10 hours or more, its removal by a towing service may  
20 be authorized by a law enforcement agency having jurisdiction.

21 (c) When a vehicle is abandoned or left unattended on a  
22 highway other than a toll highway, interstate highway, or  
23 expressway, outside of an urban district for 24 hours or more,  
24 its removal by a towing service may be authorized by a law  
25 enforcement agency having jurisdiction.

1           (d) When an abandoned, unattended, wrecked, burned or  
2 partially dismantled vehicle is creating a traffic hazard  
3 because of its position in relation to the highway or its  
4 physical appearance is causing the impeding of traffic, its  
5 immediate removal from the highway or private property  
6 adjacent to the highway by a towing service may be authorized  
7 by a law enforcement agency having jurisdiction.

8           (e) Whenever a peace officer reasonably believes that a  
9 person under arrest for a violation of Section 11-501 of this  
10 Code or a similar provision of a local ordinance is likely,  
11 upon release, to commit a subsequent violation of Section  
12 11-501, or a similar provision of a local ordinance, the  
13 arresting officer shall have the vehicle which the person was  
14 operating at the time of the arrest impounded for a period of  
15 12 hours after the time of arrest. However, such vehicle may be  
16 released by the arresting law enforcement agency prior to the  
17 end of the impoundment period if:

18           (1) the vehicle was not owned by the person under  
19 arrest, and the lawful owner requesting such release  
20 possesses a valid operator's license, proof of ownership,  
21 and would not, as determined by the arresting law  
22 enforcement agency, indicate a lack of ability to operate  
23 a motor vehicle in a safe manner, or who would otherwise,  
24 by operating such motor vehicle, be in violation of this  
25 Code; or

26           (2) the vehicle is owned by the person under arrest,

1 and the person under arrest gives permission to another  
2 person to operate such vehicle, provided however, that the  
3 other person possesses a valid operator's license and  
4 would not, as determined by the arresting law enforcement  
5 agency, indicate a lack of ability to operate a motor  
6 vehicle in a safe manner or who would otherwise, by  
7 operating such motor vehicle, be in violation of this  
8 Code.

9 (e-5) Whenever a registered owner of a vehicle is taken  
10 into custody for operating the vehicle in violation of Section  
11 11-501 of this Code or a similar provision of a local ordinance  
12 or Section 6-303 of this Code, a law enforcement officer may  
13 have the vehicle immediately impounded for a period not less  
14 than:

15 (1) 24 hours for a second violation of Section 11-501  
16 of this Code or a similar provision of a local ordinance or  
17 Section 6-303 of this Code or a combination of these  
18 offenses; or

19 (2) 48 hours for a third violation of Section 11-501  
20 of this Code or a similar provision of a local ordinance or  
21 Section 6-303 of this Code or a combination of these  
22 offenses.

23 The vehicle may be released sooner if the vehicle is owned  
24 by the person under arrest and the person under arrest gives  
25 permission to another person to operate the vehicle and that  
26 other person possesses a valid operator's license and would

1 not, as determined by the arresting law enforcement agency,  
2 indicate a lack of ability to operate a motor vehicle in a safe  
3 manner or would otherwise, by operating the motor vehicle, be  
4 in violation of this Code.

5 (f) Except as provided in Chapter 18a of this Code, the  
6 owner or lessor of privately owned real property within this  
7 State, or any person authorized by such owner or lessor, or any  
8 law enforcement agency in the case of publicly owned real  
9 property may cause any motor vehicle abandoned or left  
10 unattended upon such property without permission to be removed  
11 by a towing service without liability for the costs of  
12 removal, transportation or storage or damage caused by such  
13 removal, transportation or storage. The towing or removal of  
14 any vehicle from private property without the consent of the  
15 registered owner or other legally authorized person in control  
16 of the vehicle is subject to compliance with the following  
17 conditions and restrictions:

18 1. Any towed or removed vehicle must be stored at the  
19 site of the towing service's place of business. The site  
20 must be open during business hours, and for the purpose of  
21 redemption of vehicles, during the time that the person or  
22 firm towing such vehicle is open for towing purposes.

23 2. The towing service shall within 30 minutes of  
24 completion of such towing or removal, notify the law  
25 enforcement agency having jurisdiction of such towing or  
26 removal, and the make, model, color and license plate

1 number of the vehicle, and shall obtain and record the  
2 name of the person at the law enforcement agency to whom  
3 such information was reported.

4 3. If the registered owner or legally authorized  
5 person entitled to possession of the vehicle shall arrive  
6 at the scene prior to actual removal or towing of the  
7 vehicle, the vehicle shall be disconnected from the tow  
8 truck and that person shall be allowed to remove the  
9 vehicle without interference, upon the payment of a  
10 reasonable service fee of not more than one half the  
11 posted rate of the towing service as provided in paragraph  
12 6 of this subsection, for which a receipt shall be given.

13 4. The rebate or payment of money or any other  
14 valuable consideration from the towing service or its  
15 owners, managers or employees to the owners or operators  
16 of the premises from which the vehicles are towed or  
17 removed, for the privilege of removing or towing those  
18 vehicles, is prohibited. Any individual who violates this  
19 paragraph shall be guilty of a Class A misdemeanor.

20 5. Except for property appurtenant to and obviously a  
21 part of a single family residence, and except for  
22 instances where notice is personally given to the owner or  
23 other legally authorized person in control of the vehicle  
24 that the area in which that vehicle is parked is reserved  
25 or otherwise unavailable to unauthorized vehicles and they  
26 are subject to being removed at the owner or operator's

1 expense, any property owner or lessor, prior to towing or  
2 removing any vehicle from private property without the  
3 consent of the owner or other legally authorized person in  
4 control of that vehicle, must post a notice meeting the  
5 following requirements:

6 a. Except as otherwise provided in subparagraph  
7 a.1 of this subdivision (f)5, the notice must be  
8 prominently placed at each driveway access or curb cut  
9 allowing vehicular access to the property within 5  
10 feet from the public right-of-way line. If there are  
11 no curbs or access barriers, the sign must be posted  
12 not less than one sign each 100 feet of lot frontage.

13 a.1. In a municipality with a population of less  
14 than 250,000, as an alternative to the requirement of  
15 subparagraph a of this subdivision (f)5, the notice  
16 for a parking lot contained within property used  
17 solely for a 2-family, 3-family, or 4-family residence  
18 may be prominently placed at the perimeter of the  
19 parking lot, in a position where the notice is visible  
20 to the occupants of vehicles entering the lot.

21 b. The notice must indicate clearly, in not less  
22 than 2 inch high light-reflective letters on a  
23 contrasting background, that unauthorized vehicles  
24 will be towed away at the owner's expense.

25 c. The notice must also provide the name and  
26 current telephone number of the towing service towing



1 or removing the vehicle.

2 d. The sign structure containing the required  
3 notices must be permanently installed with the bottom  
4 of the sign not less than 4 feet above ground level,  
5 and must be continuously maintained on the property  
6 for not less than 24 hours prior to the towing or  
7 removing of any vehicle.

8 6. Any towing service that tows or removes vehicles  
9 and proposes to require the owner, operator, or person in  
10 control of the vehicle to pay the costs of towing and  
11 storage prior to redemption of the vehicle must file and  
12 keep on record with the local law enforcement agency a  
13 complete copy of the current rates to be charged for such  
14 services, and post at the storage site an identical rate  
15 schedule and any written contracts with property owners,  
16 lessors, or persons in control of property which authorize  
17 them to remove vehicles as provided in this Section. The  
18 towing and storage charges, however, shall not exceed the  
19 maximum allowed by the Illinois Commerce Commission under  
20 Section 18a-200.

21 7. No person shall engage in the removal of vehicles  
22 from private property as described in this Section without  
23 filing a notice of intent in each community where he  
24 intends to do such removal, and such notice shall be filed  
25 at least 7 days before commencing such towing.

26 8. No removal of a vehicle from private property shall

1 be done except upon express written instructions of the  
2 owners or persons in charge of the private property upon  
3 which the vehicle is said to be trespassing.

4 9. Vehicle entry for the purpose of removal shall be  
5 allowed with reasonable care on the part of the person or  
6 firm towing the vehicle. Such person or firm shall be  
7 liable for any damages occasioned to the vehicle if such  
8 entry is not in accordance with the standards of  
9 reasonable care.

10 9.5. Except as authorized by a law enforcement  
11 officer, no towing service shall engage in the removal of  
12 a commercial motor vehicle that requires a commercial  
13 driver's license to operate by operating the vehicle under  
14 its own power on a highway.

15 10. When a vehicle has been towed or removed pursuant  
16 to this Section, it must be released to its owner,  
17 custodian, agent, or lienholder within one half hour after  
18 requested, if such request is made during business hours.  
19 Any vehicle owner, custodian, agent, or lienholder shall  
20 have the right to inspect the vehicle before accepting its  
21 return, and no release or waiver of any kind which would  
22 release the towing service from liability for damages  
23 incurred during the towing and storage may be required  
24 from any vehicle owner or other legally authorized person  
25 as a condition of release of the vehicle. A detailed,  
26 signed receipt showing the legal name of the towing

1 service must be given to the person paying towing or  
2 storage charges at the time of payment, whether requested  
3 or not.

4 This Section shall not apply to law enforcement,  
5 firefighting, rescue, ambulance, or other emergency  
6 vehicles which are marked as such or to property owned by  
7 any governmental entity.

8 When an authorized person improperly causes a motor  
9 vehicle to be removed, such person shall be liable to the  
10 owner or lessee of the vehicle for the cost or removal,  
11 transportation and storage, any damages resulting from the  
12 removal, transportation and storage, attorney's fee and  
13 court costs.

14 Any towing or storage charges accrued shall be payable  
15 in cash or by cashier's check, certified check, debit  
16 card, credit card, or wire transfer, at the option of the  
17 party taking possession of the vehicle.

18 11. Towing companies shall also provide insurance  
19 coverage for areas where vehicles towed under the  
20 provisions of this Chapter will be impounded or otherwise  
21 stored, and shall adequately cover loss by fire, theft or  
22 other risks.

23 Any person who fails to comply with the conditions and  
24 restrictions of this subsection shall be guilty of a Class C  
25 misdemeanor and shall be fined not less than \$100 nor more than  
26 \$500.

1           (g)(1) When a vehicle is determined to be a hazardous  
2 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
3 Illinois Municipal Code or Section 5-12002.1 of the Counties  
4 Code, its removal and impoundment by a towing service may be  
5 authorized by a law enforcement agency with appropriate  
6 jurisdiction.

7           (2) When a vehicle removal from either public or private  
8 property is authorized by a law enforcement agency, the owner  
9 of the vehicle shall be responsible for all towing and storage  
10 charges.

11           (3) Vehicles removed from public or private property and  
12 stored by a commercial vehicle relocater or any other towing  
13 service authorized by a law enforcement agency in compliance  
14 with this Section and Sections 4-201 and 4-202 of this Code, or  
15 at the request of the vehicle owner or operator, shall be  
16 subject to a possessor lien for services pursuant to the Labor  
17 and Storage Lien (Small Amount) Act. The provisions of Section  
18 1 of that Act relating to notice and implied consent shall be  
19 deemed satisfied by compliance with Section 18a-302 and  
20 subsection (6) of Section 18a-300. In no event shall such lien  
21 be greater than the rate or rates established in accordance  
22 with subsection (6) of Section 18a-200 of this Code. In no  
23 event shall such lien be increased or altered to reflect any  
24 charge for services or materials rendered in addition to those  
25 authorized by this Code. Every such lien shall be payable in  
26 cash or by cashier's check, certified check, debit card,

1 credit card, or wire transfer, at the option of the party  
2 taking possession of the vehicle.

3 (4) Any personal property belonging to the vehicle owner  
4 in a vehicle subject to a lien under this subsection (g) shall  
5 likewise be subject to that lien, excepting only: child  
6 restraint systems as defined in Section 4 of the Child  
7 Passenger Protection Act and other child booster seats;  
8 eyeglasses; food; medicine; perishable property; any  
9 operator's licenses; any cash, credit cards, or checks or  
10 checkbooks; any wallet, purse, or other property containing  
11 any operator's license or other identifying documents or  
12 materials, cash, credit cards, checks, or checkbooks; and any  
13 personal property belonging to a person other than the vehicle  
14 owner if that person provides adequate proof that the personal  
15 property belongs to that person. The spouse, child, mother,  
16 father, brother, or sister of the vehicle owner may claim  
17 personal property excepted under this paragraph (4) if the  
18 person claiming the personal property provides the commercial  
19 vehicle relocater or towing service with the authorization of  
20 the vehicle owner.

21 (5) This paragraph (5) applies only in the case of a  
22 vehicle that is towed as a result of being involved in a crash  
23 ~~an accident~~. In addition to the personal property excepted  
24 under paragraph (4), all other personal property in a vehicle  
25 subject to a lien under this subsection (g) is exempt from that  
26 lien and may be claimed by the vehicle owner if the vehicle

1 owner provides the commercial vehicle relocater or towing  
2 service with proof that the vehicle owner has an insurance  
3 policy covering towing and storage fees. The spouse, child,  
4 mother, father, brother, or sister of the vehicle owner may  
5 claim personal property in a vehicle subject to a lien under  
6 this subsection (g) if the person claiming the personal  
7 property provides the commercial vehicle relocater or towing  
8 service with the authorization of the vehicle owner and proof  
9 that the vehicle owner has an insurance policy covering towing  
10 and storage fees. The regulation of liens on personal property  
11 and exceptions to those liens in the case of vehicles towed as  
12 a result of being involved in a crash ~~an accident~~ are exclusive  
13 powers and functions of the State. A home rule unit may not  
14 regulate liens on personal property and exceptions to those  
15 liens in the case of vehicles towed as a result of being  
16 involved in a crash ~~an accident~~. This paragraph (5) is a denial  
17 and limitation of home rule powers and functions under  
18 subsection (h) of Section 6 of Article VII of the Illinois  
19 Constitution.

20 (6) No lien under this subsection (g) shall: exceed \$2,000  
21 in its total amount; or be increased or altered to reflect any  
22 charge for services or materials rendered in addition to those  
23 authorized by this Code.

24 (h) Whenever a peace officer issues a citation to a driver  
25 for a violation of subsection (a) of Section 11-506 of this  
26 Code, the arresting officer may have the vehicle which the

1 person was operating at the time of the arrest impounded for a  
2 period of 5 days after the time of arrest. An impounding agency  
3 shall release a motor vehicle impounded under this subsection  
4 (h) to the registered owner of the vehicle under any of the  
5 following circumstances:

6 (1) If the vehicle is a stolen vehicle; or

7 (2) If the person ticketed for a violation of  
8 subsection (a) of Section 11-506 of this Code was not  
9 authorized by the registered owner of the vehicle to  
10 operate the vehicle at the time of the violation; or

11 (3) If the registered owner of the vehicle was neither  
12 the driver nor a passenger in the vehicle at the time of  
13 the violation or was unaware that the driver was using the  
14 vehicle to engage in street racing; or

15 (4) If the legal owner or registered owner of the  
16 vehicle is a rental car agency; or

17 (5) If, prior to the expiration of the impoundment  
18 period specified above, the citation is dismissed or the  
19 defendant is found not guilty of the offense.

20 (i) Except for vehicles exempted under subsection (b) of  
21 Section 7-601 of this Code, whenever a law enforcement officer  
22 issues a citation to a driver for a violation of Section 3-707  
23 of this Code, and the driver has a prior conviction for a  
24 violation of Section 3-707 of this Code in the past 12 months,  
25 the arresting officer shall authorize the removal and  
26 impoundment of the vehicle by a towing service.

1 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;  
2 100-537, eff. 6-1-18; 100-863, eff. 8-14-18.)

3 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

4 Sec. 5-101. New vehicle dealers must be licensed.

5 (a) No person shall engage in this State in the business of  
6 selling or dealing in, on consignment or otherwise, new  
7 vehicles of any make, or act as an intermediary or agent or  
8 broker for any licensed dealer or vehicle purchaser other than  
9 as a salesperson, or represent or advertise that he is so  
10 engaged or intends to so engage in such business unless  
11 licensed to do so in writing by the Secretary of State under  
12 the provisions of this Section.

13 (b) An application for a new vehicle dealer's license  
14 shall be filed with the Secretary of State, duly verified by  
15 oath, on such form as the Secretary of State may by rule or  
16 regulation prescribe and shall contain:

17 1. The name and type of business organization of the  
18 applicant and his established and additional places of  
19 business, if any, in this State.

20 2. If the applicant is a corporation, a list of its  
21 officers, directors, and shareholders having a ten percent  
22 or greater ownership interest in the corporation, setting  
23 forth the residence address of each; if the applicant is a  
24 sole proprietorship, a partnership, an unincorporated  
25 association, a trust, or any similar form of business



1 organization, the name and residence address of the  
2 proprietor or of each partner, member, officer, director,  
3 trustee, or manager.

4 3. The make or makes of new vehicles which the  
5 applicant will offer for sale at retail in this State.

6 4. The name of each manufacturer or franchised  
7 distributor, if any, of new vehicles with whom the  
8 applicant has contracted for the sale of such new  
9 vehicles. As evidence of this fact, the application shall  
10 be accompanied by a signed statement from each such  
11 manufacturer or franchised distributor. If the applicant  
12 is in the business of offering for sale new conversion  
13 vehicles, trucks or vans, except for trucks modified to  
14 serve a special purpose which includes but is not limited  
15 to the following vehicles: street sweepers, fertilizer  
16 spreaders, emergency vehicles, implements of husbandry or  
17 maintenance type vehicles, he must furnish evidence of a  
18 sales and service agreement from both the chassis  
19 manufacturer and second stage manufacturer.

20 5. A statement that the applicant has been approved  
21 for registration under the Retailers' Occupation Tax Act  
22 by the Department of Revenue: Provided that this  
23 requirement does not apply to a dealer who is already  
24 licensed hereunder with the Secretary of State, and who is  
25 merely applying for a renewal of his license. As evidence  
26 of this fact, the application shall be accompanied by a

1 certification from the Department of Revenue showing that  
2 that Department has approved the applicant for  
3 registration under the Retailers' Occupation Tax Act.

4 6. A statement that the applicant has complied with  
5 the appropriate liability insurance requirement. A  
6 Certificate of Insurance in a solvent company authorized  
7 to do business in the State of Illinois shall be included  
8 with each application covering each location at which he  
9 proposes to act as a new vehicle dealer. The policy must  
10 provide liability coverage in the minimum amounts of  
11 \$100,000 for bodily injury to, or death of, any person,  
12 \$300,000 for bodily injury to, or death of, two or more  
13 persons in any one crash ~~accident~~, and \$50,000 for damage  
14 to property. Such policy shall expire not sooner than  
15 December 31 of the year for which the license was issued or  
16 renewed. The expiration of the insurance policy shall not  
17 terminate the liability under the policy arising during  
18 the period for which the policy was filed. Trailer and  
19 mobile home dealers are exempt from this requirement.

20 If the permitted user has a liability insurance policy  
21 that provides automobile liability insurance coverage of  
22 at least \$100,000 for bodily injury to or the death of any  
23 person, \$300,000 for bodily injury to or the death of any 2  
24 or more persons in any one crash ~~accident~~, and \$50,000 for  
25 damage to property, then the permitted user's insurer  
26 shall be the primary insurer and the dealer's insurer

1 shall be the secondary insurer. If the permitted user does  
2 not have a liability insurance policy that provides  
3 automobile liability insurance coverage of at least  
4 \$100,000 for bodily injury to or the death of any person,  
5 \$300,000 for bodily injury to or the death of any 2 or more  
6 persons in any one crash ~~accident~~, and \$50,000 for damage  
7 to property, or does not have any insurance at all, then  
8 the dealer's insurer shall be the primary insurer and the  
9 permitted user's insurer shall be the secondary insurer.

10 When a permitted user is "test driving" a new vehicle  
11 dealer's automobile, the new vehicle dealer's insurance  
12 shall be primary and the permitted user's insurance shall  
13 be secondary.

14 As used in this paragraph 6, a "permitted user" is a  
15 person who, with the permission of the new vehicle dealer  
16 or an employee of the new vehicle dealer, drives a vehicle  
17 owned and held for sale or lease by the new vehicle dealer  
18 which the person is considering to purchase or lease, in  
19 order to evaluate the performance, reliability, or  
20 condition of the vehicle. The term "permitted user" also  
21 includes a person who, with the permission of the new  
22 vehicle dealer, drives a vehicle owned or held for sale or  
23 lease by the new vehicle dealer for loaner purposes while  
24 the user's vehicle is being repaired or evaluated.

25 As used in this paragraph 6, "test driving" occurs  
26 when a permitted user who, with the permission of the new

1 vehicle dealer or an employee of the new vehicle dealer,  
2 drives a vehicle owned and held for sale or lease by a new  
3 vehicle dealer that the person is considering to purchase  
4 or lease, in order to evaluate the performance,  
5 reliability, or condition of the vehicle.

6 As used in this paragraph 6, "loaner purposes" means  
7 when a person who, with the permission of the new vehicle  
8 dealer, drives a vehicle owned or held for sale or lease by  
9 the new vehicle dealer while the user's vehicle is being  
10 repaired or evaluated.

11 7. (A) An application for a new motor vehicle dealer's  
12 license shall be accompanied by the following license  
13 fees:

14 (i) \$1,000 for applicant's established place of  
15 business, and \$100 for each additional place of  
16 business, if any, to which the application pertains;  
17 but if the application is made after June 15 of any  
18 year, the license fee shall be \$500 for applicant's  
19 established place of business plus \$50 for each  
20 additional place of business, if any, to which the  
21 application pertains. License fees shall be returnable  
22 only in the event that the application is denied by the  
23 Secretary of State. All moneys received by the  
24 Secretary of State as license fees under this  
25 subparagraph (i) prior to applications for the 2004  
26 licensing year shall be deposited into the Motor

1           Vehicle Review Board Fund and shall be used to  
2           administer the Motor Vehicle Review Board under the  
3           Motor Vehicle Franchise Act. Of the money received by  
4           the Secretary of State as license fees under this  
5           subparagraph (i) for the 2004 licensing year and  
6           thereafter, 10% shall be deposited into the Motor  
7           Vehicle Review Board Fund and shall be used to  
8           administer the Motor Vehicle Review Board under the  
9           Motor Vehicle Franchise Act and 90% shall be deposited  
10          into the General Revenue Fund.

11           (ii) Except for dealers selling 25 or fewer  
12          automobiles or as provided in subsection (h) of  
13          Section 5-102.7 of this Code, an Annual Dealer  
14          Recovery Fund Fee in the amount of \$500 for the  
15          applicant's established place of business, and \$50 for  
16          each additional place of business, if any, to which  
17          the application pertains; but if the application is  
18          made after June 15 of any year, the fee shall be \$250  
19          for the applicant's established place of business plus  
20          \$25 for each additional place of business, if any, to  
21          which the application pertains. For a license renewal  
22          application, the fee shall be based on the amount of  
23          automobiles sold in the past year according to the  
24          following formula:

25                   (1) \$0 for dealers selling 25 or less  
26                   automobiles;

1                   (2) \$150 for dealers selling more than 25 but  
2                   less than 200 automobiles;

3                   (3) \$300 for dealers selling 200 or more  
4                   automobiles but less than 300 automobiles; and

5                   (4) \$500 for dealers selling 300 or more  
6                   automobiles.

7                   License fees shall be returnable only in the event  
8                   that the application is denied by the Secretary of  
9                   State. Moneys received under this subparagraph (ii)  
10                  shall be deposited into the Dealer Recovery Trust  
11                  Fund.

12                  (B) An application for a new vehicle dealer's license,  
13                  other than for a new motor vehicle dealer's license, shall  
14                  be accompanied by the following license fees:

15                         (i) \$1,000 for applicant's established place of  
16                         business, and \$50 for each additional place of  
17                         business, if any, to which the application pertains;  
18                         but if the application is made after June 15 of any  
19                         year, the license fee shall be \$500 for applicant's  
20                         established place of business plus \$25 for each  
21                         additional place of business, if any, to which the  
22                         application pertains. License fees shall be returnable  
23                         only in the event that the application is denied by the  
24                         Secretary of State. Of the money received by the  
25                         Secretary of State as license fees under this  
26                         subparagraph (i) for the 2004 licensing year and

1           thereafter, 95% shall be deposited into the General  
2           Revenue Fund.

3           (ii) Except as provided in subsection (h) of  
4           Section 5-102.7 of this Code, an Annual Dealer  
5           Recovery Fund Fee in the amount of \$500 for the  
6           applicant's established place of business, and \$50 for  
7           each additional place of business, if any, to which  
8           the application pertains; but if the application is  
9           made after June 15 of any year, the fee shall be \$250  
10          for the applicant's established place of business plus  
11          \$25 for each additional place of business, if any, to  
12          which the application pertains. License fees shall be  
13          returnable only in the event that the application is  
14          denied by the Secretary of State. Moneys received  
15          under this subparagraph (ii) shall be deposited into  
16          the Dealer Recovery Trust Fund.

17          8. A statement that the applicant's officers,  
18          directors, shareholders having a 10% or greater ownership  
19          interest therein, proprietor, a partner, member, officer,  
20          director, trustee, manager or other principals in the  
21          business have not committed in the past 3 years any one  
22          violation as determined in any civil, criminal or  
23          administrative proceedings of any one of the following  
24          Acts:

25                  (A) The Anti-Theft Laws of the Illinois Vehicle  
26                  Code;

1 (B) The Certificate of Title Laws of the Illinois  
2 Vehicle Code;

3 (C) The Offenses against Registration and  
4 Certificates of Title Laws of the Illinois Vehicle  
5 Code;

6 (D) The Dealers, Transporters, Wreckers and  
7 Rebuilders Laws of the Illinois Vehicle Code;

8 (E) Section 21-2 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012, Criminal Trespass to  
10 Vehicles; or

11 (F) The Retailers' Occupation Tax Act.

12 9. A statement that the applicant's officers,  
13 directors, shareholders having a 10% or greater ownership  
14 interest therein, proprietor, partner, member, officer,  
15 director, trustee, manager or other principals in the  
16 business have not committed in any calendar year 3 or more  
17 violations, as determined in any civil, criminal or  
18 administrative proceedings, of any one or more of the  
19 following Acts:

20 (A) The Consumer Finance Act;

21 (B) The Consumer Installment Loan Act;

22 (C) The Retail Installment Sales Act;

23 (D) The Motor Vehicle Retail Installment Sales  
24 Act;

25 (E) The Interest Act;

26 (F) The Illinois Wage Assignment Act;



1 (G) Part 8 of Article XII of the Code of Civil  
2 Procedure; or

3 (H) The Consumer Fraud Act.

4 9.5. A statement that, within 10 years of application,  
5 each officer, director, shareholder having a 10% or  
6 greater ownership interest therein, proprietor, partner,  
7 member, officer, director, trustee, manager, or other  
8 principal in the business of the applicant has not  
9 committed, as determined in any civil, criminal, or  
10 administrative proceeding, in any calendar year one or  
11 more forcible felonies under the Criminal Code of 1961 or  
12 the Criminal Code of 2012, or a violation of either or both  
13 Article 16 or 17 of the Criminal Code of 1961 or a  
14 violation of either or both Article 16 or 17 of the  
15 Criminal Code of 2012, Article 29B of the Criminal Code of  
16 1961 or the Criminal Code of 2012, or a similar  
17 out-of-state offense. For the purposes of this paragraph,  
18 "forcible felony" has the meaning provided in Section 2-8  
19 of the Criminal Code of 2012.

20 10. A bond or certificate of deposit in the amount of  
21 \$50,000 for each location at which the applicant intends  
22 to act as a new vehicle dealer. The bond shall be for the  
23 term of the license, or its renewal, for which application  
24 is made, and shall expire not sooner than December 31 of  
25 the year for which the license was issued or renewed. The  
26 bond shall run to the People of the State of Illinois, with

1           surety by a bonding or insurance company authorized to do  
2           business in this State. It shall be conditioned upon the  
3           proper transmittal of all title and registration fees and  
4           taxes (excluding taxes under the Retailers' Occupation Tax  
5           Act) accepted by the applicant as a new vehicle dealer.

6           11. Such other information concerning the business of  
7           the applicant as the Secretary of State may by rule or  
8           regulation prescribe.

9           12. A statement that the applicant understands Chapter  
10          1 through Chapter 5 of this Code.

11          13. The full name, address, and contact information of  
12          each of the dealer's agents or legal representatives who  
13          is an Illinois resident and liable for the performance of  
14          the dealership.

15          (c) Any change which renders no longer accurate any  
16          information contained in any application for a new vehicle  
17          dealer's license shall be amended within 30 days after the  
18          occurrence of such change on such form as the Secretary of  
19          State may prescribe by rule or regulation, accompanied by an  
20          amendatory fee of \$2.

21          (d) Anything in this Chapter 5 to the contrary  
22          notwithstanding no person shall be licensed as a new vehicle  
23          dealer unless:

24                1. He is authorized by contract in writing between  
25                himself and the manufacturer or franchised distributor of  
26                such make of vehicle to so sell the same in this State, and

1           2. Such person shall maintain an established place of  
2           business as defined in this Act.

3           (e) The Secretary of State shall, within a reasonable time  
4           after receipt, examine an application submitted to him under  
5           this Section and unless he makes a determination that the  
6           application submitted to him does not conform with the  
7           requirements of this Section or that grounds exist for a  
8           denial of the application, under Section 5-501 of this  
9           Chapter, grant the applicant an original new vehicle dealer's  
10          license in writing for his established place of business and a  
11          supplemental license in writing for each additional place of  
12          business in such form as he may prescribe by rule or regulation  
13          which shall include the following:

14                 1. The name of the person licensed;

15                 2. If a corporation, the name and address of its  
16                 officers or if a sole proprietorship, a partnership, an  
17                 unincorporated association or any similar form of business  
18                 organization, the name and address of the proprietor or of  
19                 each partner, member, officer, director, trustee or  
20                 manager;

21                 3. In the case of an original license, the established  
22                 place of business of the licensee;

23                 4. In the case of a supplemental license, the  
24                 established place of business of the licensee and the  
25                 additional place of business to which such supplemental  
26                 license pertains;

1           5. The make or makes of new vehicles which the  
2           licensee is licensed to sell;

3           6. The full name, address, and contact information of  
4           each of the dealer's agents or legal representatives who  
5           is an Illinois resident and liable for the performance of  
6           the dealership.

7           (f) The appropriate instrument evidencing the license or a  
8           certified copy thereof, provided by the Secretary of State,  
9           shall be kept posted conspicuously in the established place of  
10          business of the licensee and in each additional place of  
11          business, if any, maintained by such licensee.

12          (g) Except as provided in subsection (h) hereof, all new  
13          vehicle dealer's licenses granted under this Section shall  
14          expire by operation of law on December 31 of the calendar year  
15          for which they are granted unless sooner revoked or cancelled  
16          under the provisions of Section 5-501 of this Chapter.

17          (h) A new vehicle dealer's license may be renewed upon  
18          application and payment of the fee required herein, and  
19          submission of proof of coverage under an approved bond under  
20          the Retailers' Occupation Tax Act or proof that applicant is  
21          not subject to such bonding requirements, as in the case of an  
22          original license, but in case an application for the renewal  
23          of an effective license is made during the month of December,  
24          the effective license shall remain in force until the  
25          application is granted or denied by the Secretary of State.

26          (i) All persons licensed as a new vehicle dealer are

1 required to furnish each purchaser of a motor vehicle:

2 1. In the case of a new vehicle a manufacturer's  
3 statement of origin and in the case of a used motor vehicle  
4 a certificate of title, in either case properly assigned  
5 to the purchaser;

6 2. A statement verified under oath that all  
7 identifying numbers on the vehicle agree with those on the  
8 certificate of title or manufacturer's statement of  
9 origin;

10 3. A bill of sale properly executed on behalf of such  
11 person;

12 4. A copy of the Uniform Invoice-transaction reporting  
13 return referred to in Section 5-402 hereof;

14 5. In the case of a rebuilt vehicle, a copy of the  
15 Disclosure of Rebuilt Vehicle Status; and

16 6. In the case of a vehicle for which the warranty has  
17 been reinstated, a copy of the warranty.

18 (j) Except at the time of sale or repossession of the  
19 vehicle, no person licensed as a new vehicle dealer may issue  
20 any other person a newly created key to a vehicle unless the  
21 new vehicle dealer makes a color photocopy or electronic scan  
22 of the driver's license or State identification card of the  
23 person requesting or obtaining the newly created key. The new  
24 vehicle dealer must retain the photocopy or scan for 30 days.

25 A new vehicle dealer who violates this subsection (j) is  
26 guilty of a petty offense. Violation of this subsection (j) is

1 not cause to suspend, revoke, cancel, or deny renewal of the  
2 new vehicle dealer's license.

3 This amendatory Act of 1983 shall be applicable to the  
4 1984 registration year and thereafter.

5 (k) If a licensee under this Section voluntarily  
6 surrenders a license to the Illinois Secretary of State Police  
7 or a representative of the Secretary of State Vehicle Services  
8 Department due to the licensee's inability to adhere to  
9 recordkeeping provisions, or the inability to properly issue  
10 certificates of title or registrations under this Code, or the  
11 Secretary revokes a license under this Section, then the  
12 licensee and the licensee's agent, designee, or legal  
13 representative, if applicable, may not be named on a new  
14 application for a licensee under this Section or under this  
15 Chapter, nor is the licensee or the licensee's agent,  
16 designee, or legal representative permitted to work for  
17 another licensee under this Chapter in a recordkeeping,  
18 management, or financial position or as an employee who  
19 handles certificate of title and registration documents and  
20 applications.

21 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22.)

22 (625 ILCS 5/5-101.1)

23 Sec. 5-101.1. Motor vehicle financing affiliates;  
24 licensing.

25 (a) In this State no business shall engage in the business

1 of a motor vehicle financing affiliate without a license to do  
2 so in writing from the Secretary of State.

3 (b) An application for a motor vehicle financing  
4 affiliate's license must be filed with the Secretary of State,  
5 duly verified by oath, on a form prescribed by the Secretary of  
6 State and shall contain all of the following:

7 (1) The name and type of business organization of the  
8 applicant and the applicant's established place of  
9 business and any additional places of business in this  
10 State.

11 (2) The name and address of the licensed new or used  
12 vehicle dealer to which the applicant will be selling,  
13 transferring, or assigning new or used motor vehicles  
14 pursuant to a written contract. If more than one dealer is  
15 on the application, the applicant shall state in writing  
16 the basis of common ownership among the dealers.

17 (3) A list of the business organization's officers,  
18 directors, members, and shareholders having a 10% or  
19 greater ownership interest in the business, providing the  
20 residential address for each person listed.

21 (4) If selling, transferring, or assigning new motor  
22 vehicles, the make or makes of new vehicles that it will  
23 sell, assign, or otherwise transfer to the contracting new  
24 motor vehicle dealer listed on the application pursuant to  
25 paragraph (2).

26 (5) The name of each manufacturer or franchised

1 distributor, if any, of new vehicles with whom the  
2 applicant has contracted for the sale of new vehicles and  
3 a signed statement from each manufacturer or franchised  
4 distributor acknowledging the contract.

5 (6) A statement that the applicant has been approved  
6 for registration under the Retailers' Occupation Tax Act  
7 by the Department of Revenue. This requirement does not  
8 apply to a motor vehicle financing affiliate that is  
9 already licensed with the Secretary of State and is  
10 applying for a renewal of its license.

11 (7) A statement that the applicant has complied with  
12 the appropriate liability insurance requirement and a  
13 Certificate of Insurance that shall not expire before  
14 December 31 of the year for which the license was issued or  
15 renewed with a minimum liability coverage of \$100,000 for  
16 the bodily injury or death of any person, \$300,000 for the  
17 bodily injury or death of 2 or more persons in any one  
18 crash ~~accident~~, and \$50,000 for damage to property. The  
19 expiration of the insurance policy shall not terminate the  
20 liability under the policy arising during the period for  
21 which the policy was filed. Trailer and mobile home  
22 dealers are exempt from the requirements of this  
23 paragraph. A motor vehicle financing affiliate is exempt  
24 from the requirements of this paragraph if it is covered  
25 by the insurance policy of the new or used dealer listed on  
26 the application pursuant to paragraph (2).



1           (8) A license fee of \$1,000 for the applicant's  
2 established place of business and \$250 for each additional  
3 place of business, if any, to which the application  
4 pertains. However, if the application is made after June  
5 15 of any year, the license fee shall be \$500 for the  
6 applicant's established place of business and \$125 for  
7 each additional place of business, if any, to which the  
8 application pertains. These license fees shall be  
9 returnable only in the event that the application is  
10 denied by the Secretary of State.

11           (9) A statement incorporating the requirements of  
12 paragraphs 8 and 9 of subsection (b) of Section 5-101.

13           (10) Any other information concerning the business of  
14 the applicant as the Secretary of State may prescribe.

15           (11) A statement that the applicant understands  
16 Chapter 1 through Chapter 5 of this Code.

17           (12) The full name, address, and contact information  
18 of each of the dealer's agents or legal representatives  
19 who is an Illinois resident and liable for the performance  
20 of the dealership.

21           (c) Any change which renders no longer accurate any  
22 information contained in any application for a motor vehicle  
23 financing affiliate's license shall be amended within 30 days  
24 after the occurrence of the change on a form prescribed by the  
25 Secretary of State, accompanied by an amendatory fee of \$2.

26           (d) If a new vehicle dealer is not listed on the

1 application, pursuant to paragraph (2) of subsection (b), the  
2 motor vehicle financing affiliate shall not receive, possess,  
3 or transfer any new vehicle. If a new motor vehicle dealer is  
4 listed on the application, pursuant to paragraph (2) of  
5 subsection (b), the new motor vehicle dealer can only receive  
6 those new cars it is permitted to receive under its franchise  
7 agreement. If both a new and used motor vehicle dealer are  
8 listed on the application, pursuant to paragraph (2) of  
9 subsection (b), only the new motor vehicle dealer may receive  
10 new motor vehicles. If a used motor vehicle is listed on the  
11 application, pursuant to paragraph (2) of subsection (b), the  
12 used motor vehicle dealer shall not receive any new motor  
13 vehicles.

14 (e) The applicant and dealer provided pursuant to  
15 paragraph (2) of subsection (b) must be business organizations  
16 registered to conduct business in Illinois. Three-fourths of  
17 the dealer's board of directors must be members of the motor  
18 vehicle financing affiliate's board of directors, if  
19 applicable.

20 (f) Unless otherwise provided in this Chapter 5, no  
21 business organization registered to do business in Illinois  
22 shall be licensed as a motor vehicle financing affiliate  
23 unless:

24 (1) The motor vehicle financing affiliate shall only  
25 sell, transfer, or assign motor vehicles to the licensed  
26 new or used dealer listed on the application pursuant to

1 paragraph (2) of subsection (b).

2 (2) The motor vehicle financing affiliate sells,  
3 transfers, or assigns to the new motor vehicle dealer  
4 listed on the application, if any, only those new motor  
5 vehicles the motor vehicle financing affiliate has  
6 received under the contract set forth in paragraph (5) of  
7 subsection (b).

8 (3) Any new vehicle dealer listed pursuant to  
9 paragraph (2) of subsection (b) has a franchise agreement  
10 that permits the dealer to receive motor vehicles from the  
11 motor vehicle franchise affiliate.

12 (4) The new or used motor vehicle dealer listed on the  
13 application pursuant to paragraph (2) of subsection (b)  
14 has one established place of business or supplemental  
15 places of business as referenced in subsection (g).

16 (g) The Secretary of State shall, within a reasonable time  
17 after receipt, examine an application submitted pursuant to  
18 this Section and, unless it is determined that the application  
19 does not conform with the requirements of this Section or that  
20 grounds exist for a denial of the application under Section  
21 5-501, grant the applicant a motor vehicle financing affiliate  
22 license in writing for the applicant's established place of  
23 business and a supplemental license in writing for each  
24 additional place of business in a form prescribed by the  
25 Secretary, which shall include all of the following:

26 (1) The name of the business licensed;

1           (2) The name and address of its officers, directors,  
2           or members, as applicable;

3           (3) In the case of an original license, the  
4           established place of business of the licensee;

5           (4) If applicable, the make or makes of new vehicles  
6           which the licensee is licensed to sell to the new motor  
7           vehicle dealer listed on the application pursuant to  
8           paragraph (2) of subsection (b); and

9           (5) The full name, address, and contact information of  
10          each of the dealer's agents or legal representatives who  
11          is an Illinois resident and liable for the performance of  
12          the dealership.

13          (h) The appropriate instrument evidencing the license or a  
14          certified copy, provided by the Secretary of State, shall be  
15          kept posted conspicuously in the established place of business  
16          of the licensee.

17          (i) Except as provided in subsection (h), all motor  
18          vehicle financing affiliate's licenses granted under this  
19          Section shall expired by operation of law on December 31 of the  
20          calendar year for which they are granted, unless revoked or  
21          canceled at an earlier date pursuant to Section 5-501.

22          (j) A motor vehicle financing affiliate's license may be  
23          renewed upon application and payment of the required fee.  
24          However, when an application for renewal of a motor vehicle  
25          financing affiliate's license is made during the month of  
26          December, the effective license shall remain in force until

1 the application is granted or denied by the Secretary of  
2 State.

3 (k) The contract a motor vehicle financing affiliate has  
4 with a manufacturer or franchised distributor, as provided in  
5 paragraph (5) of subsection (b), shall only permit the  
6 applicant to sell, transfer, or assign new motor vehicles to  
7 the new motor vehicle dealer listed on the application  
8 pursuant to paragraph (2) of subsection (b). The contract  
9 shall specifically prohibit the motor vehicle financing  
10 affiliate from selling motor vehicles at retail. This contract  
11 shall not be considered the granting of a franchise as defined  
12 in Section 2 of the Motor Vehicle Franchise Act.

13 (l) When purchasing of a motor vehicle by a new or used  
14 motor vehicle dealer, all persons licensed as a motor vehicle  
15 financing affiliate are required to furnish all of the  
16 following:

17 (1) For a new vehicle, a manufacturer's statement of  
18 origin properly assigned to the purchasing dealer. For a  
19 used vehicle, a certificate of title properly assigned to  
20 the purchasing dealer.

21 (2) A statement verified under oath that all  
22 identifying numbers on the vehicle agree with those on the  
23 certificate of title or manufacturer's statement of  
24 origin.

25 (3) A bill of sale properly executed on behalf of the  
26 purchasing dealer.

1           (4) A copy of the Uniform Invoice-transaction report  
2           pursuant to Section 5-402.

3           (5) In the case of a rebuilt vehicle, a copy of the  
4           Disclosure of Rebuilt Vehicle Status pursuant to Section  
5           5-104.3.

6           (6) In the case of a vehicle for which a warranty has  
7           been reinstated, a copy of the warranty.

8           (m) The motor vehicle financing affiliate shall use the  
9           established and supplemental place or places of business the  
10          new or used vehicle dealer listed on the application pursuant  
11          to paragraph (2) of subsection (b) as its established and  
12          supplemental place or places of business.

13          (n) The motor vehicle financing affiliate shall keep all  
14          books and records required by this Code with the books and  
15          records of the new or used vehicle dealer listed on the  
16          application pursuant to paragraph (2) of subsection (b). The  
17          motor vehicle financing affiliate may use the books and  
18          records of the new or used motor vehicle dealer listed on the  
19          application pursuant to paragraph (2) of subsection (b).

20          (o) Under no circumstances shall a motor vehicle financing  
21          affiliate sell, transfer, or assign a new vehicle to any place  
22          of business of a new motor vehicle dealer, unless that place of  
23          business is licensed under this Chapter to sell, assign, or  
24          otherwise transfer the make of the new motor vehicle  
25          transferred.

26          (p) All moneys received by the Secretary of State as

1 license fees under this Section shall be deposited into the  
2 Motor Vehicle Review Board Fund and shall be used to  
3 administer the Motor Vehicle Review Board under the Motor  
4 Vehicle Franchise Act.

5 (q) Except as otherwise provided in this Section, a motor  
6 vehicle financing affiliate shall comply with all provisions  
7 of this Code.

8 (r) If a licensee under this Section voluntarily  
9 surrenders a license to the Illinois Secretary of State Police  
10 or a representative of the Secretary of State Vehicle Services  
11 Department due to the licensee's inability to adhere to  
12 recordkeeping provisions, or the inability to properly issue  
13 certificates of title or registrations under this Code, or the  
14 Secretary revokes a license under this Section, then the  
15 licensee and the licensee's agent, designee, or legal  
16 representative, if applicable, may not be named on a new  
17 application for a license under this Section or under this  
18 Chapter, nor is the licensee or the licensee's agent,  
19 designee, or legal representative permitted to work for  
20 another licensee under this Chapter in a recordkeeping,  
21 management, or financial position or as an employee who  
22 handles certificate of title and registration documents and  
23 applications.

24 (Source: P.A. 102-154, eff. 1-1-22.)

25 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

1           Sec. 5-102. Used vehicle dealers must be licensed.

2           (a) No person, other than a licensed new vehicle dealer,  
3 shall engage in the business of selling or dealing in, on  
4 consignment or otherwise, 5 or more used vehicles of any make  
5 during the year (except house trailers as authorized by  
6 paragraph (j) of this Section and rebuilt salvage vehicles  
7 sold by their rebuilders to persons licensed under this  
8 Chapter), or act as an intermediary, agent or broker for any  
9 licensed dealer or vehicle purchaser (other than as a  
10 salesperson) or represent or advertise that he is so engaged  
11 or intends to so engage in such business unless licensed to do  
12 so by the Secretary of State under the provisions of this  
13 Section.

14           (b) An application for a used vehicle dealer's license  
15 shall be filed with the Secretary of State, duly verified by  
16 oath, in such form as the Secretary of State may by rule or  
17 regulation prescribe and shall contain:

18           1. The name and type of business organization  
19 established and additional places of business, if any, in  
20 this State.

21           2. If the applicant is a corporation, a list of its  
22 officers, directors, and shareholders having a ten percent  
23 or greater ownership interest in the corporation, setting  
24 forth the residence address of each; if the applicant is a  
25 sole proprietorship, a partnership, an unincorporated  
26 association, a trust, or any similar form of business



1 organization, the names and residence address of the  
2 proprietor or of each partner, member, officer, director,  
3 trustee, or manager.

4 3. A statement that the applicant has been approved  
5 for registration under the Retailers' Occupation Tax Act  
6 by the Department of Revenue. However, this requirement  
7 does not apply to a dealer who is already licensed  
8 hereunder with the Secretary of State, and who is merely  
9 applying for a renewal of his license. As evidence of this  
10 fact, the application shall be accompanied by a  
11 certification from the Department of Revenue showing that  
12 the Department has approved the applicant for registration  
13 under the Retailers' Occupation Tax Act.

14 4. A statement that the applicant has complied with  
15 the appropriate liability insurance requirement. A  
16 Certificate of Insurance in a solvent company authorized  
17 to do business in the State of Illinois shall be included  
18 with each application covering each location at which he  
19 proposes to act as a used vehicle dealer. The policy must  
20 provide liability coverage in the minimum amounts of  
21 \$100,000 for bodily injury to, or death of, any person,  
22 \$300,000 for bodily injury to, or death of, two or more  
23 persons in any one crash ~~accident~~, and \$50,000 for damage  
24 to property. Such policy shall expire not sooner than  
25 December 31 of the year for which the license was issued or  
26 renewed. The expiration of the insurance policy shall not

1 terminate the liability under the policy arising during  
2 the period for which the policy was filed. Trailer and  
3 mobile home dealers are exempt from this requirement.

4 If the permitted user has a liability insurance policy  
5 that provides automobile liability insurance coverage of  
6 at least \$100,000 for bodily injury to or the death of any  
7 person, \$300,000 for bodily injury to or the death of any 2  
8 or more persons in any one crash ~~accident~~, and \$50,000 for  
9 damage to property, then the permitted user's insurer  
10 shall be the primary insurer and the dealer's insurer  
11 shall be the secondary insurer. If the permitted user does  
12 not have a liability insurance policy that provides  
13 automobile liability insurance coverage of at least  
14 \$100,000 for bodily injury to or the death of any person,  
15 \$300,000 for bodily injury to or the death of any 2 or more  
16 persons in any one crash ~~accident~~, and \$50,000 for damage  
17 to property, or does not have any insurance at all, then  
18 the dealer's insurer shall be the primary insurer and the  
19 permitted user's insurer shall be the secondary insurer.

20 When a permitted user is "test driving" a used vehicle  
21 dealer's automobile, the used vehicle dealer's insurance  
22 shall be primary and the permitted user's insurance shall  
23 be secondary.

24 As used in this paragraph 4, a "permitted user" is a  
25 person who, with the permission of the used vehicle dealer  
26 or an employee of the used vehicle dealer, drives a

1 vehicle owned and held for sale or lease by the used  
2 vehicle dealer which the person is considering to purchase  
3 or lease, in order to evaluate the performance,  
4 reliability, or condition of the vehicle. The term  
5 "permitted user" also includes a person who, with the  
6 permission of the used vehicle dealer, drives a vehicle  
7 owned or held for sale or lease by the used vehicle dealer  
8 for loaner purposes while the user's vehicle is being  
9 repaired or evaluated.

10 As used in this paragraph 4, "test driving" occurs  
11 when a permitted user who, with the permission of the used  
12 vehicle dealer or an employee of the used vehicle dealer,  
13 drives a vehicle owned and held for sale or lease by a used  
14 vehicle dealer that the person is considering to purchase  
15 or lease, in order to evaluate the performance,  
16 reliability, or condition of the vehicle.

17 As used in this paragraph 4, "loaner purposes" means  
18 when a person who, with the permission of the used vehicle  
19 dealer, drives a vehicle owned or held for sale or lease by  
20 the used vehicle dealer while the user's vehicle is being  
21 repaired or evaluated.

22 5. An application for a used vehicle dealer's license  
23 shall be accompanied by the following license fees:

24 (A) \$1,000 for applicant's established place of  
25 business, and \$50 for each additional place of  
26 business, if any, to which the application pertains;

1           however, if the application is made after June 15 of  
2           any year, the license fee shall be \$500 for  
3           applicant's established place of business plus \$25 for  
4           each additional place of business, if any, to which  
5           the application pertains. License fees shall be  
6           returnable only in the event that the application is  
7           denied by the Secretary of State. Of the money  
8           received by the Secretary of State as license fees  
9           under this subparagraph (A) for the 2004 licensing  
10          year and thereafter, 95% shall be deposited into the  
11          General Revenue Fund.

12           (B) Except for dealers selling 25 or fewer  
13          automobiles or as provided in subsection (h) of  
14          Section 5-102.7 of this Code, an Annual Dealer  
15          Recovery Fund Fee in the amount of \$500 for the  
16          applicant's established place of business, and \$50 for  
17          each additional place of business, if any, to which  
18          the application pertains; but if the application is  
19          made after June 15 of any year, the fee shall be \$250  
20          for the applicant's established place of business plus  
21          \$25 for each additional place of business, if any, to  
22          which the application pertains. For a license renewal  
23          application, the fee shall be based on the amount of  
24          automobiles sold in the past year according to the  
25          following formula:

26                   (1) \$0 for dealers selling 25 or less

1 automobiles;

2 (2) \$150 for dealers selling more than 25 but  
3 less than 200 automobiles;

4 (3) \$300 for dealers selling 200 or more  
5 automobiles but less than 300 automobiles; and

6 (4) \$500 for dealers selling 300 or more  
7 automobiles.

8 License fees shall be returnable only in the event  
9 that the application is denied by the Secretary of  
10 State. Moneys received under this subparagraph (B)  
11 shall be deposited into the Dealer Recovery Trust  
12 Fund.

13 6. A statement that the applicant's officers,  
14 directors, shareholders having a 10% or greater ownership  
15 interest therein, proprietor, partner, member, officer,  
16 director, trustee, manager, or other principals in the  
17 business have not committed in the past 3 years any one  
18 violation as determined in any civil, criminal, or  
19 administrative proceedings of any one of the following  
20 Acts:

21 (A) The Anti-Theft Laws of the Illinois Vehicle  
22 Code;

23 (B) The Certificate of Title Laws of the Illinois  
24 Vehicle Code;

25 (C) The Offenses against Registration and  
26 Certificates of Title Laws of the Illinois Vehicle

1 Code;

2 (D) The Dealers, Transporters, Wreckers and  
3 Rebuilders Laws of the Illinois Vehicle Code;

4 (E) Section 21-2 of the ~~Illinois~~ Criminal Code of  
5 1961 or the Criminal Code of 2012, Criminal Trespass  
6 to Vehicles; or

7 (F) The Retailers' Occupation Tax Act.

8 7. A statement that the applicant's officers,  
9 directors, shareholders having a 10% or greater ownership  
10 interest therein, proprietor, partner, member, officer,  
11 director, trustee, manager, or other principals in the  
12 business have not committed in any calendar year 3 or more  
13 violations, as determined in any civil, ~~or~~ criminal, or  
14 administrative proceedings, of any one or more of the  
15 following Acts:

16 (A) The Consumer Finance Act;

17 (B) The Consumer Installment Loan Act;

18 (C) The Retail Installment Sales Act;

19 (D) The Motor Vehicle Retail Installment Sales  
20 Act;

21 (E) The Interest Act;

22 (F) The Illinois Wage Assignment Act;

23 (G) Part 8 of Article XII of the Code of Civil  
24 Procedure; or

25 (H) The Consumer Fraud and Deceptive Business  
26 Practices Act.

1           7.5. A statement that, within 10 years of application,  
2           each officer, director, shareholder having a 10% or  
3           greater ownership interest therein, proprietor, partner,  
4           member, officer, director, trustee, manager, or other  
5           principal in the business of the applicant has not  
6           committed, as determined in any civil, criminal, or  
7           administrative proceeding, in any calendar year one or  
8           more forcible felonies under the Criminal Code of 1961 or  
9           the Criminal Code of 2012, or a violation of either or both  
10          Article 16 or 17 of the Criminal Code of 1961 or a  
11          violation of either or both Article 16 or 17 of the  
12          Criminal Code of 2012, Article 29B of the Criminal Code of  
13          1961 or the Criminal Code of 2012, or a similar  
14          out-of-state offense. For the purposes of this paragraph,  
15          "forcible felony" has the meaning provided in Section 2-8  
16          of the Criminal Code of 2012.

17          8. A bond or Certificate of Deposit in the amount of  
18          \$50,000 for each location at which the applicant intends  
19          to act as a used vehicle dealer. The bond shall be for the  
20          term of the license, or its renewal, for which application  
21          is made, and shall expire not sooner than December 31 of  
22          the year for which the license was issued or renewed. The  
23          bond shall run to the People of the State of Illinois, with  
24          surety by a bonding or insurance company authorized to do  
25          business in this State. It shall be conditioned upon the  
26          proper transmittal of all title and registration fees and

1 taxes (excluding taxes under the Retailers' Occupation Tax  
2 Act) accepted by the applicant as a used vehicle dealer.

3 9. Such other information concerning the business of  
4 the applicant as the Secretary of State may by rule or  
5 regulation prescribe.

6 10. A statement that the applicant understands Chapter  
7 1 through Chapter 5 of this Code.

8 11. A copy of the certification from the prelicensing  
9 education program.

10 12. The full name, address, and contact information of  
11 each of the dealer's agents or legal representatives who  
12 is an Illinois resident and liable for the performance of  
13 the dealership.

14 (c) Any change which renders no longer accurate any  
15 information contained in any application for a used vehicle  
16 dealer's license shall be amended within 30 days after the  
17 occurrence of each change on such form as the Secretary of  
18 State may prescribe by rule or regulation, accompanied by an  
19 amendatory fee of \$2.

20 (d) Anything in this Chapter to the contrary  
21 notwithstanding, no person shall be licensed as a used vehicle  
22 dealer unless such person maintains an established place of  
23 business as defined in this Chapter.

24 (e) The Secretary of State shall, within a reasonable time  
25 after receipt, examine an application submitted to him under  
26 this Section. Unless the Secretary makes a determination that



1 the application submitted to him does not conform to this  
2 Section or that grounds exist for a denial of the application  
3 under Section 5-501 of this Chapter, he must grant the  
4 applicant an original used vehicle dealer's license in writing  
5 for his established place of business and a supplemental  
6 license in writing for each additional place of business in  
7 such form as he may prescribe by rule or regulation which shall  
8 include the following:

9 1. The name of the person licensed;

10 2. If a corporation, the name and address of its  
11 officers or if a sole proprietorship, a partnership, an  
12 unincorporated association or any similar form of business  
13 organization, the name and address of the proprietor or of  
14 each partner, member, officer, director, trustee, or  
15 manager;

16 3. In case of an original license, the established  
17 place of business of the licensee;

18 4. In the case of a supplemental license, the  
19 established place of business of the licensee and the  
20 additional place of business to which such supplemental  
21 license pertains;

22 5. The full name, address, and contact information of  
23 each of the dealer's agents or legal representatives who  
24 is an Illinois resident and liable for the performance of  
25 the dealership.

26 (f) The appropriate instrument evidencing the license or a

1 certified copy thereof, provided by the Secretary of State  
2 shall be kept posted, conspicuously, in the established place  
3 of business of the licensee and in each additional place of  
4 business, if any, maintained by such licensee.

5 (g) Except as provided in subsection (h) of this Section,  
6 all used vehicle dealer's licenses granted under this Section  
7 expire by operation of law on December 31 of the calendar year  
8 for which they are granted unless sooner revoked or cancelled  
9 under Section 5-501 of this Chapter.

10 (h) A used vehicle dealer's license may be renewed upon  
11 application and payment of the fee required herein, and  
12 submission of proof of coverage by an approved bond under the  
13 "Retailers' Occupation Tax Act" or proof that applicant is not  
14 subject to such bonding requirements, as in the case of an  
15 original license, but in case an application for the renewal  
16 of an effective license is made during the month of December,  
17 the effective license shall remain in force until the  
18 application for renewal is granted or denied by the Secretary  
19 of State.

20 (i) All persons licensed as a used vehicle dealer are  
21 required to furnish each purchaser of a motor vehicle:

22 1. A certificate of title properly assigned to the  
23 purchaser;

24 2. A statement verified under oath that all  
25 identifying numbers on the vehicle agree with those on the  
26 certificate of title;

1           3. A bill of sale properly executed on behalf of such  
2           person;

3           4. A copy of the Uniform Invoice-transaction reporting  
4           return referred to in Section 5-402 of this Chapter;

5           5. In the case of a rebuilt vehicle, a copy of the  
6           Disclosure of Rebuilt Vehicle Status; and

7           6. In the case of a vehicle for which the warranty has  
8           been reinstated, a copy of the warranty.

9           (j) A real estate broker holding a valid certificate of  
10          registration issued pursuant to "The Real Estate Brokers and  
11          Salesmen License Act" may engage in the business of selling or  
12          dealing in house trailers not his own without being licensed  
13          as a used vehicle dealer under this Section; however such  
14          broker shall maintain a record of the transaction including  
15          the following:

16                 (1) the name and address of the buyer and seller,

17                 (2) the date of sale,

18                 (3) a description of the mobile home, including the  
19          vehicle identification number, make, model, and year, and

20                 (4) the Illinois certificate of title number.

21          The foregoing records shall be available for inspection by  
22          any officer of the Secretary of State's Office at any  
23          reasonable hour.

24          (k) Except at the time of sale or repossession of the  
25          vehicle, no person licensed as a used vehicle dealer may issue  
26          any other person a newly created key to a vehicle unless the

1 used vehicle dealer makes a color photocopy or electronic scan  
2 of the driver's license or State identification card of the  
3 person requesting or obtaining the newly created key. The used  
4 vehicle dealer must retain the photocopy or scan for 30 days.

5 A used vehicle dealer who violates this subsection (k) is  
6 guilty of a petty offense. Violation of this subsection (k) is  
7 not cause to suspend, revoke, cancel, or deny renewal of the  
8 used vehicle dealer's license.

9 (1) Used vehicle dealers licensed under this Section shall  
10 provide the Secretary of State a register for the sale at  
11 auction of each salvage or junk certificate vehicle. Each  
12 register shall include the following information:

13 1. The year, make, model, style, and color of the  
14 vehicle;

15 2. The vehicle's manufacturer's identification number  
16 or, if applicable, the Secretary of State or Illinois  
17 State Police identification number;

18 3. The date of acquisition of the vehicle;

19 4. The name and address of the person from whom the  
20 vehicle was acquired;

21 5. The name and address of the person to whom any  
22 vehicle was disposed, the person's Illinois license number  
23 or if the person is an out-of-state salvage vehicle buyer,  
24 the license number from the state or jurisdiction where  
25 the buyer is licensed; and

26 6. The purchase price of the vehicle.

1           The register shall be submitted to the Secretary of State  
2 via written or electronic means within 10 calendar days from  
3 the date of the auction.

4           (m) If a licensee under this Section voluntarily  
5 surrenders a license to the Illinois Secretary of State Police  
6 or a representative of the Secretary of State Vehicle Services  
7 Department due to the licensee's inability to adhere to  
8 recordkeeping provisions, or the inability to properly issue  
9 certificates of title or registrations under this Code, or the  
10 Secretary revokes a license under this Section, then the  
11 licensee and the licensee's agent, designee, or legal  
12 representative, if applicable, may not be named on a new  
13 application for a license under this Section or under this  
14 Chapter, nor is the licensee or the licensee's agent,  
15 designee, or legal representative permitted to work for  
16 another licensee under this Chapter in a recordkeeping,  
17 management, or financial position or as an employee who  
18 handles certificate of title and registration documents and  
19 applications.

20           (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;  
21 102-538, eff. 8-20-21; revised 10-15-21.)

22           (625 ILCS 5/5-102.8)

23           Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle  
24 dealers.

25           (a) As used in this Section, "Buy Here, Pay Here used

1 vehicle dealer" means any entity that engages in the business  
2 of selling or leasing of vehicles and finances the sale or  
3 purchase price of the vehicle to a customer without the  
4 customer using a third-party lender.

5 (b) No person shall engage in the business of selling or  
6 dealing in, on consignment or otherwise, 5 or more used  
7 vehicles of any make during the year (except rebuilt salvage  
8 vehicles sold by their rebuilders to persons licensed under  
9 this Chapter), or act as an intermediary, agent, or broker for  
10 any licensed dealer or vehicle purchaser (other than as a  
11 salesperson) or represent or advertise that he or she is so  
12 engaged or intends to so engage in such business of a Buy Here,  
13 Pay Here used vehicle dealer unless licensed to do so by the  
14 Secretary of State under the provisions of this Section.

15 (c) An application for a Buy Here, Pay Here used vehicle  
16 dealer's license shall be filed with the Secretary of State,  
17 duly verified by oath, in such form as the Secretary of State  
18 may by rule or regulation prescribe and shall contain:

19 (1) The name and type of business organization  
20 established and additional places of business, if any, in  
21 this State.

22 (2) If the applicant is a corporation, a list of its  
23 officers, directors, and shareholders having a 10% or  
24 greater ownership interest in the corporation, setting  
25 forth the residence address of each; if the applicant is a  
26 sole proprietorship, a partnership, an unincorporated

1 association, a trust, or any similar form of business  
2 organization, the names and residence address of the  
3 proprietor or of each partner, member, officer, director,  
4 trustee, or manager.

5 (3) A statement that the applicant has been approved  
6 for registration under the Retailers' Occupation Tax Act  
7 by the Department of Revenue. However, this requirement  
8 does not apply to a dealer who is already licensed  
9 hereunder with the Secretary of State, and who is merely  
10 applying for a renewal of his or her license. As evidence  
11 of this fact, the application shall be accompanied by a  
12 certification from the Department of Revenue showing that  
13 the Department has approved the applicant for registration  
14 under the Retailers' Occupation Tax Act.

15 (4) A statement that the applicant has complied with  
16 the appropriate liability insurance requirement. A  
17 Certificate of Insurance in a solvent company authorized  
18 to do business in the State of Illinois shall be included  
19 with each application covering each location at which he  
20 or she proposes to act as a Buy Here, Pay Here used vehicle  
21 dealer. The policy must provide liability coverage in the  
22 minimum amounts of \$100,000 for bodily injury to, or death  
23 of, any person, \$300,000 for bodily injury to, or death  
24 of, 2 or more persons in any one crash ~~accident~~, and  
25 \$50,000 for damage to property. Such policy shall expire  
26 not sooner than December 31 of the year for which the

1 license was issued or renewed. The expiration of the  
2 insurance policy shall not terminate the liability under  
3 the policy arising during the period for which the policy  
4 was filed.

5 If the permitted user has a liability insurance policy  
6 that provides automobile liability insurance coverage of  
7 at least \$100,000 for bodily injury to or the death of any  
8 person, \$300,000 for bodily injury to or the death of any 2  
9 or more persons in any one crash ~~accident~~, and \$50,000 for  
10 damage to property, then the permitted user's insurer  
11 shall be the primary insurer and the dealer's insurer  
12 shall be the secondary insurer. If the permitted user does  
13 not have a liability insurance policy that provides  
14 automobile liability insurance coverage of at least  
15 \$100,000 for bodily injury to or the death of any person,  
16 \$300,000 for bodily injury to or the death of any 2 or more  
17 persons in any one crash ~~accident~~, and \$50,000 for damage  
18 to property, or does not have any insurance at all, then  
19 the dealer's insurer shall be the primary insurer and the  
20 permitted user's insurer shall be the secondary insurer.

21 When a permitted user is "test driving" a Buy Here,  
22 Pay Here used vehicle dealer's automobile, the Buy Here,  
23 Pay Here used vehicle dealer's insurance shall be primary  
24 and the permitted user's insurance shall be secondary.

25 As used in this paragraph, "permitted user" means a  
26 person who, with the permission of the Buy Here, Pay Here



1 used vehicle dealer or an employee of the Buy Here, Pay  
2 Here used vehicle dealer, drives a vehicle owned and held  
3 for sale or lease by the Buy Here, Pay Here used vehicle  
4 dealer that the person is considering to purchase or  
5 lease, in order to evaluate the performance, reliability,  
6 or condition of the vehicle. "Permitted user" includes a  
7 person who, with the permission of the Buy Here, Pay Here  
8 used vehicle dealer, drives a vehicle owned or held for  
9 sale or lease by the Buy Here, Pay Here used vehicle dealer  
10 for loaner purposes while the user's vehicle is being  
11 repaired or evaluated.

12 As used in this paragraph, "test driving" occurs when  
13 a permitted user who, with the permission of the Buy Here,  
14 Pay Here used vehicle dealer or an employee of the Buy  
15 Here, Pay Here used vehicle dealer, drives a vehicle owned  
16 and held for sale or lease by a Buy Here, Pay Here used  
17 vehicle dealer that the person is considering to purchase  
18 or lease, in order to evaluate the performance,  
19 reliability, or condition of the vehicle.

20 As used in this paragraph, "loaner purposes" means  
21 when a person who, with the permission of the Buy Here, Pay  
22 Here used vehicle dealer, drives a vehicle owned or held  
23 for sale or lease by the used vehicle dealer while the  
24 user's vehicle is being repaired or evaluated.

25 (5) An application for a Buy Here, Pay Here used  
26 vehicle dealer's license shall be accompanied by the

1 following license fees:

2 (A) \$1,000 for the applicant's established place  
3 of business, and \$50 for each additional place of  
4 business, if any, to which the application pertains;  
5 however, if the application is made after June 15 of  
6 any year, the license fee shall be \$500 for the  
7 applicant's established place of business plus \$25 for  
8 each additional place of business, if any, to which  
9 the application pertains. License fees shall be  
10 returnable only if the application is denied by the  
11 Secretary of State. Of the money received by the  
12 Secretary of State as license fees under this  
13 subparagraph, 95% shall be deposited into the General  
14 Revenue Fund.

15 (B) Except for dealers selling 25 or fewer  
16 automobiles or as provided in subsection (h) of  
17 Section 5-102.7 of this Code, an Annual Dealer  
18 Recovery Fund Fee in the amount of \$500 for the  
19 applicant's established place of business, and \$50 for  
20 each additional place of business, if any, to which  
21 the application pertains; but if the application is  
22 made after June 15 of any year, the fee shall be \$250  
23 for the applicant's established place of business plus  
24 \$25 for each additional place of business, if any, to  
25 which the application pertains. For a license renewal  
26 application, the fee shall be based on the amount of

1 automobiles sold in the past year according to the  
2 following formula:

3 (1) \$0 for dealers selling 25 or less  
4 automobiles;

5 (2) \$150 for dealers selling more than 25 but  
6 less than 200 automobiles;

7 (3) \$300 for dealers selling 200 or more  
8 automobiles but less than 300 automobiles; and

9 (4) \$500 for dealers selling 300 or more  
10 automobiles.

11 Fees shall be returnable only if the application  
12 is denied by the Secretary of State. Money received  
13 under this subparagraph shall be deposited into the  
14 Dealer Recovery Trust Fund. A Buy Here, Pay Here used  
15 vehicle dealer shall pay into the Dealer Recovery  
16 Trust Fund for every vehicle that is financed, sold,  
17 or otherwise transferred to an individual or entity  
18 other than the Buy Here, Pay Here used vehicle dealer  
19 even if the individual or entity to which the Buy Here,  
20 Pay Here used vehicle dealer transfers the vehicle is  
21 unable to continue to adhere to the terms of the  
22 transaction by the Buy Here, Pay Here used vehicle  
23 dealer.

24 (6) A statement that each officer, director,  
25 shareholder having a 10% or greater ownership interest  
26 therein, proprietor, partner, member, officer, director,

1 trustee, manager, or other principal in the business of  
2 the applicant has not committed in the past 3 years any one  
3 violation as determined in any civil, criminal, or  
4 administrative proceedings of any one of the following:

5 (A) the Anti-Theft Laws of this Code;

6 (B) the Certificate of Title Laws of this Code;

7 (C) the Offenses against Registration and  
8 Certificates of Title Laws of this Code;

9 (D) the Dealers, Transporters, Wreckers and  
10 Rebuilders Laws of this Code;

11 (E) Section 21-2 of the Illinois Criminal Code of  
12 1961 or the Criminal Code of 2012, Criminal Trespass  
13 to Vehicles; or

14 (F) the Retailers' Occupation Tax Act.

15 (7) A statement that each officer, director,  
16 shareholder having a 10% or greater ownership interest  
17 therein, proprietor, partner, member, officer, director,  
18 trustee, manager, or other principal in the business of  
19 the applicant has not committed in any calendar year 3 or  
20 more violations, as determined in any civil, criminal, or  
21 administrative proceedings, of any one or more of the  
22 following:

23 (A) the Consumer Finance Act;

24 (B) the Consumer Installment Loan Act;

25 (C) the Retail Installment Sales Act;

26 (D) the Motor Vehicle Retail Installment Sales

1 Act;

2 (E) the Interest Act;

3 (F) the Illinois Wage Assignment Act;

4 (G) Part 8 of Article XII of the Code of Civil  
5 Procedure; or

6 (H) the Consumer Fraud and Deceptive Business  
7 Practices Act.

8 (8) A statement that, within 10 years of application,  
9 each officer, director, shareholder having a 10% or  
10 greater ownership interest therein, proprietor, partner,  
11 member, officer, director, trustee, manager, or other  
12 principal in the business of the applicant has not  
13 committed, as determined in any civil, criminal, or  
14 administrative proceeding, in any calendar year one or  
15 more forcible felonies under the Criminal Code of 1961 or  
16 the Criminal Code of 2012, or a violation of either or both  
17 Article 16 or 17 of the Criminal Code of 1961, or a  
18 violation of either or both Article 16 or 17 of the  
19 Criminal Code of 2012, Article 29B of the Criminal Code of  
20 1961 or the Criminal Code of 2012, or a similar  
21 out-of-state offense. For the purposes of this paragraph,  
22 "forcible felony" has the meaning provided in Section 2-8  
23 of the Criminal Code of 2012.

24 (9) A bond or Certificate of Deposit in the amount of  
25 \$50,000 for each location at which the applicant intends  
26 to act as a Buy Here, Pay Here used vehicle dealer. The

1 bond shall be for the term of the license. The bond shall  
2 run to the People of the State of Illinois, with surety by  
3 a bonding or insurance company authorized to do business  
4 in this State. It shall be conditioned upon the proper  
5 transmittal of all title and registration fees and taxes  
6 (excluding taxes under the Retailers' Occupation Tax Act)  
7 accepted by the applicant as a Buy Here, Pay Here used  
8 vehicle dealer.

9 (10) Such other information concerning the business of  
10 the applicant as the Secretary of State may by rule  
11 prescribe.

12 (11) A statement that the applicant understands  
13 Chapter 1 through Chapter 5 of this Code.

14 (12) A copy of the certification from the prelicensing  
15 education program.

16 (13) The full name, address, and contact information  
17 of each of the dealer's agents or legal representatives  
18 who is an Illinois resident and liable for the performance  
19 of the dealership.

20 (d) Any change that renders no longer accurate any  
21 information contained in any application for a Buy Here, Pay  
22 Here used vehicle dealer's license shall be amended within 30  
23 days after the occurrence of each change on such form as the  
24 Secretary of State may prescribe by rule, accompanied by an  
25 amendatory fee of \$2.

26 (e) Anything in this Chapter to the contrary

1 notwithstanding, no person shall be licensed as a Buy Here,  
2 Pay Here used vehicle dealer unless the person maintains an  
3 established place of business as defined in this Chapter.

4 (f) The Secretary of State shall, within a reasonable time  
5 after receipt, examine an application submitted under this  
6 Section. Unless the Secretary makes a determination that the  
7 application does not conform to this Section or that grounds  
8 exist for a denial of the application under Section 5-501 of  
9 this Chapter, the Secretary must grant the applicant an  
10 original Buy Here, Pay Here used vehicle dealer's license in  
11 writing for his or her established place of business and a  
12 supplemental license in writing for each additional place of  
13 business in such form as the Secretary may prescribe by rule  
14 that shall include the following:

15 (1) The name of the person licensed.

16 (2) If a corporation, the name and address of its  
17 officers or if a sole proprietorship, a partnership, an  
18 unincorporated association, or any similar form of  
19 business organization, the name and address of the  
20 proprietor or of each partner, member, officer, director,  
21 trustee, or manager.

22 (3) In the case of an original license, the  
23 established place of business of the licensee.

24 (4) In the case of a supplemental license, the  
25 established place of business of the licensee and the  
26 additional place of business to which the supplemental

1 license pertains.

2 (5) The full name, address, and contact information of  
3 each of the dealer's agents or legal representatives who  
4 is an Illinois resident and liable for the performance of  
5 the dealership.

6 (g) The appropriate instrument evidencing the license or a  
7 certified copy thereof, provided by the Secretary of State  
8 shall be kept posted, conspicuously, in the established place  
9 of business of the licensee and in each additional place of  
10 business, if any, maintained by the licensee.

11 (h) Except as provided in subsection (i), all Buy Here,  
12 Pay Here used vehicle dealer's licenses granted under this  
13 Section expire by operation of law on December 31 of the  
14 calendar year for which they are granted unless sooner revoked  
15 or cancelled under Section 5-501 of this Chapter.

16 (i) A Buy Here, Pay Here used vehicle dealer's license may  
17 be renewed upon application and payment of the fee required  
18 herein, and submission of proof of coverage by an approved  
19 bond under the Retailers' Occupation Tax Act or proof that the  
20 applicant is not subject to such bonding requirements, as in  
21 the case of an original license, but in the case of an  
22 application for the renewal of an effective license made  
23 during the month of December, the effective license shall  
24 remain in force until the application for renewal is granted  
25 or denied by the Secretary of State.

26 (j) Each person licensed as a Buy Here, Pay Here used



1 vehicle dealer is required to furnish each purchaser of a  
2 motor vehicle:

3 (1) a certificate of title properly assigned to the  
4 purchaser;

5 (2) a statement verified under oath that all  
6 identifying numbers on the vehicle agree with those on the  
7 certificate of title;

8 (3) a bill of sale properly executed on behalf of the  
9 person;

10 (4) a copy of the Uniform Invoice-transaction  
11 reporting return referred to in Section 5-402;

12 (5) in the case of a rebuilt vehicle, a copy of the  
13 Disclosure of Rebuilt Vehicle Status; and

14 (6) in the case of a vehicle for which the warranty has  
15 been reinstated, a copy of the warranty.

16 (k) Except at the time of sale or repossession of the  
17 vehicle, no person licensed as a Buy Here, Pay Here used  
18 vehicle dealer may issue any other person a newly created key  
19 to a vehicle unless the Buy Here, Pay Here used vehicle dealer  
20 makes a color photocopy or electronic scan of the driver's  
21 license or State identification card of the person requesting  
22 or obtaining the newly created key. The Buy Here, Pay Here used  
23 vehicle dealer must retain the photocopy or scan for 30 days.

24 A Buy Here, Pay Here used vehicle dealer who violates this  
25 subsection (k) is guilty of a petty offense. Violation of this  
26 subsection (k) is not cause to suspend, revoke, cancel, or

1 deny renewal of the used vehicle dealer's license.

2 (1) A Buy Here, Pay Here used vehicle dealer licensed  
3 under this Section shall provide the Secretary of State a  
4 register for the sale at auction of each salvage or junk  
5 certificate vehicle. Each register shall include the following  
6 information:

7 (1) the year, make, model, style, and color of the  
8 vehicle;

9 (2) the vehicle's manufacturer's identification number  
10 or, if applicable, the Secretary of State or Illinois  
11 Department of State Police identification number;

12 (3) the date of acquisition of the vehicle;

13 (4) the name and address of the person from whom the  
14 vehicle was acquired;

15 (5) the name and address of the person to whom any  
16 vehicle was disposed, the person's Illinois license number  
17 or, if the person is an out-of-state salvage vehicle  
18 buyer, the license number from the state or jurisdiction  
19 where the buyer is licensed; and

20 (6) the purchase price of the vehicle.

21 The register shall be submitted to the Secretary of State  
22 via written or electronic means within 10 calendar days from  
23 the date of the auction.

24 (m) If a licensee under this Section voluntarily  
25 surrenders a license to the Illinois Secretary of State Police  
26 or a representative of the Secretary of State Vehicle Services

1 Department due to the licensee's inability to adhere to  
2 recordkeeping provisions, or the inability to properly issue  
3 certificates of title or registrations under this Code, or the  
4 Secretary revokes a license under this Section, then the  
5 licensee and the licensee's agent, designee, or legal  
6 representative, if applicable, may not be named on a new  
7 application for a license under this Section or under this  
8 Chapter, nor is the licensee or the licensee's agent,  
9 designee, or legal representative permitted to work for  
10 another licensee under this Chapter in a recordkeeping,  
11 management, or financial position or as an employee who  
12 handles certificate of title and registration documents and  
13 applications.

14 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22.)

15 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

16 Sec. 6-101. Drivers must have licenses or permits.

17 (a) No person, except those expressly exempted by Section  
18 6-102, shall drive any motor vehicle upon a highway in this  
19 State unless such person has a valid license or permit, or a  
20 restricted driving permit, issued under the provisions of this  
21 Act.

22 (b) No person shall drive a motor vehicle unless he holds a  
23 valid license or permit, or a restricted driving permit issued  
24 under the provisions of Section 6-205, 6-206, or 6-113 of this  
25 Act. Any person to whom a license is issued under the

1 provisions of this Act must surrender to the Secretary of  
2 State all valid licenses or permits, except that an applicant  
3 for a non-domiciled commercial learner's permit or commercial  
4 driver's license shall not be required to surrender a license  
5 or permit issued by the applicant's state or country of  
6 domicile. No drivers license or instruction permit shall be  
7 issued to any person who holds a valid Foreign State license,  
8 identification card, or permit unless such person first  
9 surrenders to the Secretary of State any such valid Foreign  
10 State license, identification card, or permit.

11 (b-5) Any person who commits a violation of subsection (a)  
12 or (b) of this Section is guilty of a Class A misdemeanor, if  
13 at the time of the violation the person's driver's license or  
14 permit was cancelled under clause (a)9 of Section 6-201 of  
15 this Code.

16 (c) Any person licensed as a driver hereunder shall not be  
17 required by any city, village, incorporated town or other  
18 municipal corporation to obtain any other license to exercise  
19 the privilege thereby granted.

20 (d) In addition to other penalties imposed under this  
21 Section, any person in violation of this Section who is also in  
22 violation of Section 7-601 of this Code relating to mandatory  
23 insurance requirements shall have his or her motor vehicle  
24 immediately impounded by the arresting law enforcement  
25 officer. The motor vehicle may be released to any licensed  
26 driver upon a showing of proof of insurance for the motor

1 vehicle that was impounded and the notarized written consent  
2 for the release by the vehicle owner.

3 (e) In addition to other penalties imposed under this  
4 Section, the vehicle of any person in violation of this  
5 Section who is also in violation of Section 7-601 of this Code  
6 relating to mandatory insurance requirements and who, in  
7 violating this Section, has caused death or personal injury to  
8 another person is subject to forfeiture under Sections 36-1  
9 and 36-2 of the Criminal Code of 2012. For the purposes of this  
10 Section, a personal injury shall include any type A injury as  
11 indicated on the traffic crash ~~accident~~ report completed by a  
12 law enforcement officer that requires immediate professional  
13 attention in either a doctor's office or a medical facility. A  
14 type A injury shall include severely bleeding wounds,  
15 distorted extremities, and injuries that require the injured  
16 party to be carried from the scene.

17 (Source: P.A. 97-229, eff. 7-28-11; 97-1150, eff. 1-25-13;  
18 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A.  
19 99-414 for the effective date of changes made by P.A.  
20 98-176).)

21 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

22 Sec. 6-106.1. School bus driver permit.

23 (a) The Secretary of State shall issue a school bus driver  
24 permit to those applicants who have met all the requirements  
25 of the application and screening process under this Section to

1 insure the welfare and safety of children who are transported  
2 on school buses throughout the State of Illinois. Applicants  
3 shall obtain the proper application required by the Secretary  
4 of State from their prospective or current employer and submit  
5 the completed application to the prospective or current  
6 employer along with the necessary fingerprint submission as  
7 required by the Illinois State Police to conduct fingerprint  
8 based criminal background checks on current and future  
9 information available in the state system and current  
10 information available through the Federal Bureau of  
11 Investigation's system. Applicants who have completed the  
12 fingerprinting requirements shall not be subjected to the  
13 fingerprinting process when applying for subsequent permits or  
14 submitting proof of successful completion of the annual  
15 refresher course. Individuals who on July 1, 1995 (the  
16 effective date of Public Act 88-612) possess a valid school  
17 bus driver permit that has been previously issued by the  
18 appropriate Regional School Superintendent are not subject to  
19 the fingerprinting provisions of this Section as long as the  
20 permit remains valid and does not lapse. The applicant shall  
21 be required to pay all related application and fingerprinting  
22 fees as established by rule including, but not limited to, the  
23 amounts established by the Illinois State Police and the  
24 Federal Bureau of Investigation to process fingerprint based  
25 criminal background investigations. All fees paid for  
26 fingerprint processing services under this Section shall be

1 deposited into the State Police Services Fund for the cost  
2 incurred in processing the fingerprint based criminal  
3 background investigations. All other fees paid under this  
4 Section shall be deposited into the Road Fund for the purpose  
5 of defraying the costs of the Secretary of State in  
6 administering this Section. All applicants must:

7 1. be 21 years of age or older;

8 2. possess a valid and properly classified driver's  
9 license issued by the Secretary of State;

10 3. possess a valid driver's license, which has not  
11 been revoked, suspended, or canceled for 3 years  
12 immediately prior to the date of application, or have not  
13 had his or her commercial motor vehicle driving privileges  
14 disqualified within the 3 years immediately prior to the  
15 date of application;

16 4. successfully pass a written test, administered by  
17 the Secretary of State, on school bus operation, school  
18 bus safety, and special traffic laws relating to school  
19 buses and submit to a review of the applicant's driving  
20 habits by the Secretary of State at the time the written  
21 test is given;

22 5. demonstrate ability to exercise reasonable care in  
23 the operation of school buses in accordance with rules  
24 promulgated by the Secretary of State;

25 6. demonstrate physical fitness to operate school  
26 buses by submitting the results of a medical examination,

1 including tests for drug use for each applicant not  
2 subject to such testing pursuant to federal law, conducted  
3 by a licensed physician, a licensed advanced practice  
4 registered nurse, or a licensed physician assistant within  
5 90 days of the date of application according to standards  
6 promulgated by the Secretary of State;

7 7. affirm under penalties of perjury that he or she  
8 has not made a false statement or knowingly concealed a  
9 material fact in any application for permit;

10 8. have completed an initial classroom course,  
11 including first aid procedures, in school bus driver  
12 safety as promulgated by the Secretary of State; and after  
13 satisfactory completion of said initial course an annual  
14 refresher course; such courses and the agency or  
15 organization conducting such courses shall be approved by  
16 the Secretary of State; failure to complete the annual  
17 refresher course, shall result in cancellation of the  
18 permit until such course is completed;

19 9. not have been under an order of court supervision  
20 for or convicted of 2 or more serious traffic offenses, as  
21 defined by rule, within one year prior to the date of  
22 application that may endanger the life or safety of any of  
23 the driver's passengers within the duration of the permit  
24 period;

25 10. not have been under an order of court supervision  
26 for or convicted of reckless driving, aggravated reckless



1 driving, driving while under the influence of alcohol,  
2 other drug or drugs, intoxicating compound or compounds or  
3 any combination thereof, or reckless homicide resulting  
4 from the operation of a motor vehicle within 3 years of the  
5 date of application;

6 11. not have been convicted of committing or  
7 attempting to commit any one or more of the following  
8 offenses: (i) those offenses defined in Sections 8-1,  
9 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,  
10 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,  
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
12 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,  
13 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,  
14 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,  
15 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,  
16 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,  
17 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
18 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,  
19 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
20 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,  
21 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,  
22 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
23 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
24 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,  
25 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),  
26 of Section 24-3, and those offenses contained in Article

1 29D of the Criminal Code of 1961 or the Criminal Code of  
2 2012; (ii) those offenses defined in the Cannabis Control  
3 Act except those offenses defined in subsections (a) and  
4 (b) of Section 4, and subsection (a) of Section 5 of the  
5 Cannabis Control Act; (iii) those offenses defined in the  
6 Illinois Controlled Substances Act; (iv) those offenses  
7 defined in the Methamphetamine Control and Community  
8 Protection Act; ~~and~~ (v) any offense committed or attempted  
9 in any other state or against the laws of the United  
10 States, which if committed or attempted in this State  
11 would be punishable as one or more of the foregoing  
12 offenses; (vi) the offenses defined in Section 4.1 and 5.1  
13 of the Wrongs to Children Act or Section 11-9.1A of the  
14 Criminal Code of 1961 or the Criminal Code of 2012; (vii)  
15 those offenses defined in Section 6-16 of the Liquor  
16 Control Act of 1934; and (viii) those offenses defined in  
17 the Methamphetamine Precursor Control Act;

18 12. not have been repeatedly involved as a driver in  
19 motor vehicle collisions or been repeatedly convicted of  
20 offenses against laws and ordinances regulating the  
21 movement of traffic, to a degree which indicates lack of  
22 ability to exercise ordinary and reasonable care in the  
23 safe operation of a motor vehicle or disrespect for the  
24 traffic laws and the safety of other persons upon the  
25 highway;

26 13. not have, through the unlawful operation of a

1 motor vehicle, caused a crash ~~an accident~~ resulting in the  
2 death of any person;

3 14. not have, within the last 5 years, been adjudged  
4 to be afflicted with or suffering from any mental  
5 disability or disease;

6 15. consent, in writing, to the release of results of  
7 reasonable suspicion drug and alcohol testing under  
8 Section 6-106.1c of this Code by the employer of the  
9 applicant to the Secretary of State; and

10 16. not have been convicted of committing or  
11 attempting to commit within the last 20 years: (i) an  
12 offense defined in subsection (c) of Section 4, subsection  
13 (b) of Section 5, and subsection (a) of Section 8 of the  
14 Cannabis Control Act; or (ii) any offenses in any other  
15 state or against the laws of the United States that, if  
16 committed or attempted in this State, would be punishable  
17 as one or more of the foregoing offenses.

18 (b) A school bus driver permit shall be valid for a period  
19 specified by the Secretary of State as set forth by rule. It  
20 shall be renewable upon compliance with subsection (a) of this  
21 Section.

22 (c) A school bus driver permit shall contain the holder's  
23 driver's license number, legal name, residence address, zip  
24 code, and date of birth, a brief description of the holder and  
25 a space for signature. The Secretary of State may require a  
26 suitable photograph of the holder.

1           (d) The employer shall be responsible for conducting a  
2 pre-employment interview with prospective school bus driver  
3 candidates, distributing school bus driver applications and  
4 medical forms to be completed by the applicant, and submitting  
5 the applicant's fingerprint cards to the Illinois State Police  
6 that are required for the criminal background investigations.  
7 The employer shall certify in writing to the Secretary of  
8 State that all pre-employment conditions have been  
9 successfully completed including the successful completion of  
10 an Illinois specific criminal background investigation through  
11 the Illinois State Police and the submission of necessary  
12 fingerprints to the Federal Bureau of Investigation for  
13 criminal history information available through the Federal  
14 Bureau of Investigation system. The applicant shall present  
15 the certification to the Secretary of State at the time of  
16 submitting the school bus driver permit application.

17           (e) Permits shall initially be provisional upon receiving  
18 certification from the employer that all pre-employment  
19 conditions have been successfully completed, and upon  
20 successful completion of all training and examination  
21 requirements for the classification of the vehicle to be  
22 operated, the Secretary of State shall provisionally issue a  
23 School Bus Driver Permit. The permit shall remain in a  
24 provisional status pending the completion of the Federal  
25 Bureau of Investigation's criminal background investigation  
26 based upon fingerprinting specimens submitted to the Federal

1 Bureau of Investigation by the Illinois State Police. The  
2 Federal Bureau of Investigation shall report the findings  
3 directly to the Secretary of State. The Secretary of State  
4 shall remove the bus driver permit from provisional status  
5 upon the applicant's successful completion of the Federal  
6 Bureau of Investigation's criminal background investigation.

7 (f) A school bus driver permit holder shall notify the  
8 employer and the Secretary of State if he or she is issued an  
9 order of court supervision for or convicted in another state  
10 of an offense that would make him or her ineligible for a  
11 permit under subsection (a) of this Section. The written  
12 notification shall be made within 5 days of the entry of the  
13 order of court supervision or conviction. Failure of the  
14 permit holder to provide the notification is punishable as a  
15 petty offense for a first violation and a Class B misdemeanor  
16 for a second or subsequent violation.

17 (g) Cancellation; suspension; notice and procedure.

18 (1) The Secretary of State shall cancel a school bus  
19 driver permit of an applicant whose criminal background  
20 investigation discloses that he or she is not in  
21 compliance with the provisions of subsection (a) of this  
22 Section.

23 (2) The Secretary of State shall cancel a school bus  
24 driver permit when he or she receives notice that the  
25 permit holder fails to comply with any provision of this  
26 Section or any rule promulgated for the administration of

1           this Section.

2           (3) The Secretary of State shall cancel a school bus  
3 driver permit if the permit holder's restricted commercial  
4 or commercial driving privileges are withdrawn or  
5 otherwise invalidated.

6           (4) The Secretary of State may not issue a school bus  
7 driver permit for a period of 3 years to an applicant who  
8 fails to obtain a negative result on a drug test as  
9 required in item 6 of subsection (a) of this Section or  
10 under federal law.

11          (5) The Secretary of State shall forthwith suspend a  
12 school bus driver permit for a period of 3 years upon  
13 receiving notice that the holder has failed to obtain a  
14 negative result on a drug test as required in item 6 of  
15 subsection (a) of this Section or under federal law.

16          (6) The Secretary of State shall suspend a school bus  
17 driver permit for a period of 3 years upon receiving  
18 notice from the employer that the holder failed to perform  
19 the inspection procedure set forth in subsection (a) or  
20 (b) of Section 12-816 of this Code.

21          (7) The Secretary of State shall suspend a school bus  
22 driver permit for a period of 3 years upon receiving  
23 notice from the employer that the holder refused to submit  
24 to an alcohol or drug test as required by Section 6-106.1c  
25 or has submitted to a test required by that Section which  
26 disclosed an alcohol concentration of more than 0.00 or

1 disclosed a positive result on a National Institute on  
2 Drug Abuse five-drug panel, utilizing federal standards  
3 set forth in 49 CFR 40.87.

4 The Secretary of State shall notify the State  
5 Superintendent of Education and the permit holder's  
6 prospective or current employer that the applicant has (1) has  
7 failed a criminal background investigation or (2) is no longer  
8 eligible for a school bus driver permit; and of the related  
9 cancellation of the applicant's provisional school bus driver  
10 permit. The cancellation shall remain in effect pending the  
11 outcome of a hearing pursuant to Section 2-118 of this Code.  
12 The scope of the hearing shall be limited to the issuance  
13 criteria contained in subsection (a) of this Section. A  
14 petition requesting a hearing shall be submitted to the  
15 Secretary of State and shall contain the reason the individual  
16 feels he or she is entitled to a school bus driver permit. The  
17 permit holder's employer shall notify in writing to the  
18 Secretary of State that the employer has certified the removal  
19 of the offending school bus driver from service prior to the  
20 start of that school bus driver's next workshift. An employing  
21 school board that fails to remove the offending school bus  
22 driver from service is subject to the penalties defined in  
23 Section 3-14.23 of the School Code. A school bus contractor  
24 who violates a provision of this Section is subject to the  
25 penalties defined in Section 6-106.11.

26 All valid school bus driver permits issued under this

1 Section prior to January 1, 1995, shall remain effective until  
2 their expiration date unless otherwise invalidated.

3 (h) When a school bus driver permit holder who is a service  
4 member is called to active duty, the employer of the permit  
5 holder shall notify the Secretary of State, within 30 days of  
6 notification from the permit holder, that the permit holder  
7 has been called to active duty. Upon notification pursuant to  
8 this subsection, (i) the Secretary of State shall characterize  
9 the permit as inactive until a permit holder renews the permit  
10 as provided in subsection (i) of this Section, and (ii) if a  
11 permit holder fails to comply with the requirements of this  
12 Section while called to active duty, the Secretary of State  
13 shall not characterize the permit as invalid.

14 (i) A school bus driver permit holder who is a service  
15 member returning from active duty must, within 90 days, renew  
16 a permit characterized as inactive pursuant to subsection (h)  
17 of this Section by complying with the renewal requirements of  
18 subsection (b) of this Section.

19 (j) For purposes of subsections (h) and (i) of this  
20 Section:

21 "Active duty" means active duty pursuant to an executive  
22 order of the President of the United States, an act of the  
23 Congress of the United States, or an order of the Governor.

24 "Service member" means a member of the Armed Services or  
25 reserve forces of the United States or a member of the Illinois  
26 National Guard.



1 (k) A private carrier employer of a school bus driver  
2 permit holder, having satisfied the employer requirements of  
3 this Section, shall be held to a standard of ordinary care for  
4 intentional acts committed in the course of employment by the  
5 bus driver permit holder. This subsection (k) shall in no way  
6 limit the liability of the private carrier employer for  
7 violation of any provision of this Section or for the  
8 negligent hiring or retention of a school bus driver permit  
9 holder.

10 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;  
11 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised  
12 10-13-21.)

13 (625 ILCS 5/6-106.1a)

14 Sec. 6-106.1a. Cancellation of school bus driver permit;  
15 trace of alcohol.

16 (a) A person who has been issued a school bus driver permit  
17 by the Secretary of State in accordance with Section 6-106.1  
18 of this Code and who drives or is in actual physical control of  
19 a school bus or any other vehicle owned or operated by or for a  
20 public or private school, or a school operated by a religious  
21 institution, when the vehicle is being used over a regularly  
22 scheduled route for the transportation of persons enrolled as  
23 students in grade 12 or below, in connection with any activity  
24 of the entities listed, upon the public highways of this State  
25 shall be deemed to have given consent to a chemical test or

1 tests of blood, breath, other bodily substance, or urine for  
2 the purpose of determining the alcohol content of the person's  
3 blood if arrested, as evidenced by the issuance of a Uniform  
4 Traffic Ticket for any violation of this Code or a similar  
5 provision of a local ordinance, if a police officer has  
6 probable cause to believe that the driver has consumed any  
7 amount of an alcoholic beverage based upon evidence of the  
8 driver's physical condition or other first hand knowledge of  
9 the police officer. The test or tests shall be administered at  
10 the direction of the arresting officer. The law enforcement  
11 agency employing the officer shall designate which of the  
12 aforesaid tests shall be administered. A urine or other bodily  
13 substance test may be administered even after a blood or  
14 breath test or both has been administered.

15 (b) A person who is dead, unconscious, or who is otherwise  
16 in a condition rendering that person incapable of refusal,  
17 shall be deemed not to have withdrawn the consent provided by  
18 paragraph (a) of this Section and the test or tests may be  
19 administered subject to the following provisions:

20 (1) Chemical analysis of the person's blood, urine,  
21 breath, or other bodily substance, to be considered valid  
22 under the provisions of this Section, shall have been  
23 performed according to standards promulgated by the  
24 Illinois State Police by an individual possessing a valid  
25 permit issued by the Illinois State Police for this  
26 purpose. The Director of the Illinois State Police is

1 authorized to approve satisfactory techniques or methods,  
2 to ascertain the qualifications and competence of  
3 individuals to conduct analyses, to issue permits that  
4 shall be subject to termination or revocation at the  
5 direction of the Illinois State Police, and to certify the  
6 accuracy of breath testing equipment. The Illinois State  
7 Police shall prescribe rules as necessary.

8 (2) When a person submits to a blood test at the  
9 request of a law enforcement officer under the provisions  
10 of this Section, only a physician authorized to practice  
11 medicine, a licensed physician assistant, a licensed  
12 advanced practice registered nurse, a registered nurse, or  
13 other qualified person trained in venipuncture and acting  
14 under the direction of a licensed physician may withdraw  
15 blood for the purpose of determining the alcohol content.  
16 This limitation does not apply to the taking of breath,  
17 other bodily substance, or urine specimens.

18 (3) The person tested may have a physician, qualified  
19 technician, chemist, registered nurse, or other qualified  
20 person of his or her own choosing administer a chemical  
21 test or tests in addition to any test or tests  
22 administered at the direction of a law enforcement  
23 officer. The test administered at the request of the  
24 person may be admissible into evidence at a hearing  
25 conducted in accordance with Section 2-118 of this Code.  
26 The failure or inability to obtain an additional test by a

1 person shall not preclude the consideration of the  
2 previously performed chemical test.

3 (4) Upon a request of the person who submits to a  
4 chemical test or tests at the request of a law enforcement  
5 officer, full information concerning the test or tests  
6 shall be made available to the person or that person's  
7 attorney by the requesting law enforcement agency within  
8 72 hours of receipt of the test result.

9 (5) Alcohol concentration means either grams of  
10 alcohol per 100 milliliters of blood or grams of alcohol  
11 per 210 liters of breath.

12 (6) If a driver is receiving medical treatment as a  
13 result of a motor vehicle crash ~~accident~~, a physician  
14 licensed to practice medicine, licensed physician  
15 assistant, licensed advanced practice registered nurse,  
16 registered nurse, or other qualified person trained in  
17 venipuncture and acting under the direction of a licensed  
18 physician shall withdraw blood for testing purposes to  
19 ascertain the presence of alcohol upon the specific  
20 request of a law enforcement officer. However, that  
21 testing shall not be performed until, in the opinion of  
22 the medical personnel on scene, the withdrawal can be made  
23 without interfering with or endangering the well-being of  
24 the patient.

25 (c) A person requested to submit to a test as provided in  
26 this Section shall be warned by the law enforcement officer

1 requesting the test that a refusal to submit to the test, or  
2 submission to the test resulting in an alcohol concentration  
3 of more than 0.00, may result in the loss of that person's  
4 privilege to possess a school bus driver permit. The loss of  
5 the individual's privilege to possess a school bus driver  
6 permit shall be imposed in accordance with Section 6-106.1b of  
7 this Code. A person requested to submit to a test under this  
8 Section shall also acknowledge, in writing, receipt of the  
9 warning required under this subsection (c). If the person  
10 refuses to acknowledge receipt of the warning, the law  
11 enforcement officer shall make a written notation on the  
12 warning that the person refused to sign the warning. A  
13 person's refusal to sign the warning shall not be evidence  
14 that the person was not read the warning.

15 (d) If the person refuses testing or submits to a test that  
16 discloses an alcohol concentration of more than 0.00, the law  
17 enforcement officer shall immediately submit a sworn report to  
18 the Secretary of State on a form prescribed by the Secretary of  
19 State certifying that the test or tests were requested under  
20 subsection (a) and the person refused to submit to a test or  
21 tests or submitted to testing which disclosed an alcohol  
22 concentration of more than 0.00. The law enforcement officer  
23 shall submit the same sworn report when a person who has been  
24 issued a school bus driver permit and who was operating a  
25 school bus or any other vehicle owned or operated by or for a  
26 public or private school, or a school operated by a religious

1 institution, when the vehicle is being used over a regularly  
2 scheduled route for the transportation of persons enrolled as  
3 students in grade 12 or below, in connection with any activity  
4 of the entities listed, submits to testing under Section  
5 11-501.1 of this Code and the testing discloses an alcohol  
6 concentration of more than 0.00 and less than the alcohol  
7 concentration at which driving or being in actual physical  
8 control of a motor vehicle is prohibited under paragraph (1)  
9 of subsection (a) of Section 11-501.

10 Upon receipt of the sworn report of a law enforcement  
11 officer, the Secretary of State shall enter the school bus  
12 driver permit sanction on the individual's driving record and  
13 the sanction shall be effective on the 46th day following the  
14 date notice of the sanction was given to the person.

15 The law enforcement officer submitting the sworn report  
16 shall serve immediate notice of this school bus driver permit  
17 sanction on the person and the sanction shall be effective on  
18 the 46th day following the date notice was given.

19 In cases where the blood alcohol concentration of more  
20 than 0.00 is established by a subsequent analysis of blood,  
21 other bodily substance, or urine, the police officer or  
22 arresting agency shall give notice as provided in this Section  
23 or by deposit in the United States mail of that notice in an  
24 envelope with postage prepaid and addressed to that person at  
25 his or her last known address and the loss of the school bus  
26 driver permit shall be effective on the 46th day following the

1 date notice was given.

2 Upon receipt of the sworn report of a law enforcement  
3 officer, the Secretary of State shall also give notice of the  
4 school bus driver permit sanction to the driver and the  
5 driver's current employer by mailing a notice of the effective  
6 date of the sanction to the individual. However, shall the  
7 sworn report be defective by not containing sufficient  
8 information or be completed in error, the notice of the school  
9 bus driver permit sanction may not be mailed to the person or  
10 his current employer or entered to the driving record, but  
11 rather the sworn report shall be returned to the issuing law  
12 enforcement agency.

13 (e) A driver may contest this school bus driver permit  
14 sanction by requesting an administrative hearing with the  
15 Secretary of State in accordance with Section 2-118 of this  
16 Code. An individual whose blood alcohol concentration is shown  
17 to be more than 0.00 is not subject to this Section if he or  
18 she consumed alcohol in the performance of a religious service  
19 or ceremony. An individual whose blood alcohol concentration  
20 is shown to be more than 0.00 shall not be subject to this  
21 Section if the individual's blood alcohol concentration  
22 resulted only from ingestion of the prescribed or recommended  
23 dosage of medicine that contained alcohol. The petition for  
24 that hearing shall not stay or delay the effective date of the  
25 impending suspension. The scope of this hearing shall be  
26 limited to the issues of:

1           (1) whether the police officer had probable cause to  
2 believe that the person was driving or in actual physical  
3 control of a school bus or any other vehicle owned or  
4 operated by or for a public or private school, or a school  
5 operated by a religious institution, when the vehicle is  
6 being used over a regularly scheduled route for the  
7 transportation of persons enrolled as students in grade 12  
8 or below, in connection with any activity of the entities  
9 listed, upon the public highways of the State and the  
10 police officer had reason to believe that the person was  
11 in violation of any provision of this Code or a similar  
12 provision of a local ordinance; and

13           (2) whether the person was issued a Uniform Traffic  
14 Ticket for any violation of this Code or a similar  
15 provision of a local ordinance; and

16           (3) whether the police officer had probable cause to  
17 believe that the driver had consumed any amount of an  
18 alcoholic beverage based upon the driver's physical  
19 actions or other first-hand knowledge of the police  
20 officer; and

21           (4) whether the person, after being advised by the  
22 officer that the privilege to possess a school bus driver  
23 permit would be canceled if the person refused to submit  
24 to and complete the test or tests, did refuse to submit to  
25 or complete the test or tests to determine the person's  
26 alcohol concentration; and



1           (5) whether the person, after being advised by the  
2 officer that the privileges to possess a school bus driver  
3 permit would be canceled if the person submits to a  
4 chemical test or tests and the test or tests disclose an  
5 alcohol concentration of more than 0.00 and the person did  
6 submit to and complete the test or tests that determined  
7 an alcohol concentration of more than 0.00; and

8           (6) whether the test result of an alcohol  
9 concentration of more than 0.00 was based upon the  
10 person's consumption of alcohol in the performance of a  
11 religious service or ceremony; and

12           (7) whether the test result of an alcohol  
13 concentration of more than 0.00 was based upon the  
14 person's consumption of alcohol through ingestion of the  
15 prescribed or recommended dosage of medicine.

16           The Secretary of State may adopt administrative rules  
17 setting forth circumstances under which the holder of a school  
18 bus driver permit is not required to appear in person at the  
19 hearing.

20           Provided that the petitioner may subpoena the officer, the  
21 hearing may be conducted upon a review of the law enforcement  
22 officer's own official reports. Failure of the officer to  
23 answer the subpoena shall be grounds for a continuance if, in  
24 the hearing officer's discretion, the continuance is  
25 appropriate. At the conclusion of the hearing held under  
26 Section 2-118 of this Code, the Secretary of State may

1 rescind, continue, or modify the school bus driver permit  
2 sanction.

3 (f) The results of any chemical testing performed in  
4 accordance with subsection (a) of this Section are not  
5 admissible in any civil or criminal proceeding, except that  
6 the results of the testing may be considered at a hearing held  
7 under Section 2-118 of this Code. However, the results of the  
8 testing may not be used to impose driver's license sanctions  
9 under Section 11-501.1 of this Code. A law enforcement officer  
10 may, however, pursue a statutory summary suspension or  
11 revocation of driving privileges under Section 11-501.1 of  
12 this Code if other physical evidence or first hand knowledge  
13 forms the basis of that suspension or revocation.

14 (g) This Section applies only to drivers who have been  
15 issued a school bus driver permit in accordance with Section  
16 6-106.1 of this Code at the time of the issuance of the Uniform  
17 Traffic Ticket for a violation of this Code or a similar  
18 provision of a local ordinance, and a chemical test request is  
19 made under this Section.

20 (h) The action of the Secretary of State in suspending,  
21 revoking, canceling, or denying any license, permit,  
22 registration, or certificate of title shall be subject to  
23 judicial review in the Circuit Court of Sangamon County or in  
24 the Circuit Court of Cook County, and the provisions of the  
25 Administrative Review Law and its rules are hereby adopted and  
26 shall apply to and govern every action for the judicial review

1 of final acts or decisions of the Secretary of State under this  
2 Section.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (625 ILCS 5/6-106.2) (from Ch. 95 1/2, par. 6-106.2)

5 Sec. 6-106.2. Religious organization bus driver. A  
6 religious organization bus driver shall meet the following  
7 requirements:

8 1. is 21 years of age or older;

9 2. has a valid and properly classified driver's  
10 license issued by the Secretary of State;

11 3. has held a valid driver's license, not necessarily  
12 of the same classification, for 3 years prior to the date  
13 of application. A lapse in the renewal of the driver's  
14 license of 30 days or less shall not render the applicant  
15 ineligible. The Secretary of State may, in his or her  
16 discretion, grant a waiver for a lapse in the renewal of  
17 the driver's license in excess of 30 days;

18 4. has demonstrated an ability to exercise reasonable  
19 care in the safe operation of religious organization buses  
20 in accordance with such standards as the Secretary of  
21 State prescribes including a driving test in a religious  
22 organization bus; and

23 5. has not been convicted of any of the following  
24 offenses within 3 years of the date of application:  
25 Sections 11-401 (leaving the scene of a traffic crash)

1 ~~accident~~ involving death or personal injury), 11-501  
2 (driving under the influence), 11-503 (reckless driving),  
3 11-504 (drag racing), and 11-506 (street racing) of this  
4 Code, or Sections 9-3 (manslaughter or reckless homicide)  
5 and 12-5 (reckless conduct arising from the use of a motor  
6 vehicle) of the Criminal Code of 1961 or the Criminal Code  
7 of 2012.

8 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

9 (625 ILCS 5/6-106.3) (from Ch. 95 1/2, par. 6-106.3)

10 Sec. 6-106.3. Senior citizen transportation - driver. A  
11 driver of a vehicle operated solely for the purpose of  
12 providing transportation for the elderly in connection with  
13 the activities of any public or private organization shall  
14 meet the following requirements:

15 (1) is 21 years of age or older;

16 (2) has a valid and properly classified driver's  
17 license issued by the Secretary of State;

18 (3) has had a valid driver's license, not necessarily  
19 of the same classification, for 3 years prior to the date  
20 of application. A lapse in the renewal of the driver's  
21 license of 30 days or less shall not render the applicant  
22 ineligible. The Secretary of State may, in his or her  
23 discretion, grant a waiver for a lapse in the renewal of  
24 the driver's license in excess of 30 days;

25 (4) has demonstrated his ability to exercise

1 reasonable care in the safe operation of a motor vehicle  
2 which will be utilized to transport persons in accordance  
3 with such standards as the Secretary of State prescribes  
4 including a driving test in such motor vehicle; and

5 (5) has not been convicted of any of the following  
6 offenses within 3 years of the date of application:  
7 Sections 11-401 (leaving the scene of a traffic crash  
8 ~~accident~~ involving death or personal injury), 11-501  
9 (driving under the influence), 11-503 (reckless driving),  
10 11-504 (drag racing), and 11-506 (street racing) of this  
11 Code, or Sections 9-3 (manslaughter or reckless homicide)  
12 and 12-5 (reckless conduct arising from the use of a motor  
13 vehicle) of the Criminal Code of 1961 or the Criminal Code  
14 of 2012.

15 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

16 (625 ILCS 5/6-106.4) (from Ch. 95 1/2, par. 6-106.4)

17 Sec. 6-106.4. For-profit ridesharing arrangement - driver.  
18 No person may drive a commuter van while it is being used for a  
19 for-profit ridesharing arrangement unless such person:

20 (1) is 21 years of age or older;

21 (2) has a valid and properly classified driver's  
22 license issued by the Secretary of State;

23 (3) has held a valid driver's license, not necessarily  
24 of the same classification, for 3 years prior to the date  
25 of application. A lapse in the renewal of the driver's

1 license of 30 days or less shall not render the applicant  
2 ineligible. The Secretary of State may, in his or her  
3 discretion, grant a waiver for a lapse in the renewal of  
4 the driver's license in excess of 30 days;

5 (4) has demonstrated his ability to exercise  
6 reasonable care in the safe operation of commuter vans  
7 used in for-profit ridesharing arrangements in accordance  
8 with such standards as the Secretary of State may  
9 prescribe, which standards may require a driving test in a  
10 commuter van; and

11 (5) has not been convicted of any of the following  
12 offenses within 3 years of the date of application:  
13 Sections 11-401 (leaving the scene of a traffic crash  
14 ~~accident~~ involving death or personal injury), 11-501  
15 (driving under the influence), 11-503 (reckless driving),  
16 11-504 (drag racing), and 11-506 (street racing) of this  
17 Code, or Sections 9-3 (manslaughter or reckless homicide)  
18 and 12-5 (reckless conduct arising from the use of a motor  
19 vehicle) of the Criminal Code of 1961 or the Criminal Code  
20 of 2012.

21 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

22 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

23 Sec. 6-107. Graduated license.

24 (a) The purpose of the Graduated Licensing Program is to  
25 develop safe and mature driving habits in young, inexperienced

1 drivers and reduce or prevent motor vehicle crashes ~~accidents~~,  
2 fatalities, and injuries by:

3 (1) providing for an increase in the time of practice  
4 period before granting permission to obtain a driver's  
5 license;

6 (2) strengthening driver licensing and testing  
7 standards for persons under the age of 21 years;

8 (3) sanctioning driving privileges of drivers under  
9 age 21 who have committed serious traffic violations or  
10 other specified offenses; and

11 (4) setting stricter standards to promote the public's  
12 health and safety.

13 (b) The application of any person under the age of 18  
14 years, and not legally emancipated, for a drivers license or  
15 permit to operate a motor vehicle issued under the laws of this  
16 State, shall be accompanied by the written consent of either  
17 parent of the applicant; otherwise by the guardian having  
18 custody of the applicant, or in the event there is no parent or  
19 guardian, then by another responsible adult. The written  
20 consent must accompany any application for a driver's license  
21 under this subsection (b), regardless of whether or not the  
22 required written consent also accompanied the person's  
23 previous application for an instruction permit.

24 No graduated driver's license shall be issued to any  
25 applicant under 18 years of age, unless the applicant is at  
26 least 16 years of age and has:

1           (1) Held a valid instruction permit for a minimum of 9  
2 months.

3           (2) Passed an approved driver education course and  
4 submits proof of having passed the course as may be  
5 required.

6           (3) Certification by the parent, legal guardian, or  
7 responsible adult that the applicant has had a minimum of  
8 50 hours of behind-the-wheel practice time, at least 10  
9 hours of which have been at night, and is sufficiently  
10 prepared and able to safely operate a motor vehicle.

11           (b-1) No graduated driver's license shall be issued to any  
12 applicant who is under 18 years of age and not legally  
13 emancipated, unless the applicant has graduated from a  
14 secondary school of this State or any other state, is enrolled  
15 in a course leading to a high school equivalency certificate,  
16 has obtained a high school equivalency certificate, is  
17 enrolled in an elementary or secondary school or college or  
18 university of this State or any other state and is not a  
19 chronic or habitual truant as provided in Section 26-2a of the  
20 School Code, or is receiving home instruction and submits  
21 proof of meeting any of those requirements at the time of  
22 application.

23           An applicant under 18 years of age who provides proof  
24 acceptable to the Secretary that the applicant has resumed  
25 regular school attendance or home instruction or that his or  
26 her application was denied in error shall be eligible to



1 receive a graduated license if other requirements are met. The  
2 Secretary shall adopt rules for implementing this subsection  
3 (b-1).

4 (c) No graduated driver's license or permit shall be  
5 issued to any applicant under 18 years of age who has committed  
6 the offense of operating a motor vehicle without a valid  
7 license or permit in violation of Section 6-101 of this Code or  
8 a similar out of state offense and no graduated driver's  
9 license or permit shall be issued to any applicant under 18  
10 years of age who has committed an offense that would otherwise  
11 result in a mandatory revocation of a license or permit as  
12 provided in Section 6-205 of this Code or who has been either  
13 convicted of or adjudicated a delinquent based upon a  
14 violation of the Cannabis Control Act, the Illinois Controlled  
15 Substances Act, the Use of Intoxicating Compounds Act, or the  
16 Methamphetamine Control and Community Protection Act while  
17 that individual was in actual physical control of a motor  
18 vehicle. For purposes of this Section, any person placed on  
19 probation under Section 10 of the Cannabis Control Act,  
20 Section 410 of the Illinois Controlled Substances Act, or  
21 Section 70 of the Methamphetamine Control and Community  
22 Protection Act shall not be considered convicted. Any person  
23 found guilty of this offense, while in actual physical control  
24 of a motor vehicle, shall have an entry made in the court  
25 record by the judge that this offense did occur while the  
26 person was in actual physical control of a motor vehicle and

1 order the clerk of the court to report the violation to the  
2 Secretary of State as such.

3 (d) No graduated driver's license shall be issued for 9  
4 months to any applicant under the age of 18 years who has  
5 committed and subsequently been convicted of an offense  
6 against traffic regulations governing the movement of  
7 vehicles, any violation of this Section or Section 12-603.1 of  
8 this Code, or who has received a disposition of court  
9 supervision for a violation of Section 6-20 of the Illinois  
10 Liquor Control Act of 1934 or a similar provision of a local  
11 ordinance.

12 (e) No graduated driver's license holder under the age of  
13 18 years shall operate any motor vehicle, except a motor  
14 driven cycle or motorcycle, with more than one passenger in  
15 the front seat of the motor vehicle and no more passengers in  
16 the back seats than the number of available seat safety belts  
17 as set forth in Section 12-603 of this Code. If a graduated  
18 driver's license holder over the age of 18 committed an  
19 offense against traffic regulations governing the movement of  
20 vehicles or any violation of this Section or Section 12-603.1  
21 of this Code in the 6 months prior to the graduated driver's  
22 license holder's 18th birthday, and was subsequently convicted  
23 of the violation, the provisions of this paragraph shall  
24 continue to apply until such time as a period of 6 consecutive  
25 months has elapsed without an additional violation and  
26 subsequent conviction of an offense against traffic

1 regulations governing the movement of vehicles or any  
2 violation of this Section or Section 12-603.1 of this Code.

3 (f) (Blank).

4 (g) If a graduated driver's license holder is under the  
5 age of 18 when he or she receives the license, for the first 12  
6 months he or she holds the license or until he or she reaches  
7 the age of 18, whichever occurs sooner, the graduated license  
8 holder may not operate a motor vehicle with more than one  
9 passenger in the vehicle who is under the age of 20, unless any  
10 additional passenger or passengers are siblings,  
11 step-siblings, children, or stepchildren of the driver. If a  
12 graduated driver's license holder committed an offense against  
13 traffic regulations governing the movement of vehicles or any  
14 violation of this Section or Section 12-603.1 of this Code  
15 during the first 12 months the license is held and  
16 subsequently is convicted of the violation, the provisions of  
17 this paragraph shall remain in effect until such time as a  
18 period of 6 consecutive months has elapsed without an  
19 additional violation and subsequent conviction of an offense  
20 against traffic regulations governing the movement of vehicles  
21 or any violation of this Section or Section 12-603.1 of this  
22 Code.

23 (h) It shall be an offense for a person that is age 15, but  
24 under age 20, to be a passenger in a vehicle operated by a  
25 driver holding a graduated driver's license during the first  
26 12 months the driver holds the license or until the driver

1 reaches the age of 18, whichever occurs sooner, if another  
2 passenger under the age of 20 is present, excluding a sibling,  
3 step-sibling, child, or step-child of the driver.

4 (i) No graduated driver's license shall be issued to any  
5 applicant under the age of 18 years if the applicant has been  
6 issued a traffic citation for which a disposition has not been  
7 rendered at the time of application.

8 (Source: P.A. 97-229, eff. 7-28-11; 97-835, eff. 7-20-12;  
9 98-168, eff. 1-1-14; 98-718, eff. 1-1-15.)

10 (625 ILCS 5/6-107.5)

11 Sec. 6-107.5. Adult Driver Education Course.

12 (a) The Secretary shall establish by rule the curriculum  
13 and designate the materials to be used in an adult driver  
14 education course. The course shall be at least 6 hours in  
15 length and shall include instruction on traffic laws; highway  
16 signs, signals, and markings that regulate, warn, or direct  
17 traffic; issues commonly associated with motor vehicle crashes  
18 ~~accidents~~ including poor decision-making, risk taking,  
19 impaired driving, distraction, speed, failure to use a safety  
20 belt, driving at night, failure to yield the right-of-way,  
21 texting while driving, using wireless communication devices,  
22 and alcohol and drug awareness; and instruction on law  
23 enforcement procedures during traffic stops, including actions  
24 that a motorist should take during a traffic stop and  
25 appropriate interactions with law enforcement officers. The

1 curriculum shall not require the operation of a motor vehicle.

2 (b) The Secretary shall certify course providers. The  
3 requirements to be a certified course provider, the process  
4 for applying for certification, and the procedure for  
5 decertifying a course provider shall be established by rule.

6 (b-5) In order to qualify for certification as an adult  
7 driver education course provider, each applicant must  
8 authorize an investigation that includes a fingerprint-based  
9 background check to determine if the applicant has ever been  
10 convicted of a criminal offense and, if so, the disposition of  
11 any conviction. This authorization shall indicate the scope of  
12 the inquiry and the agencies that may be contacted. Upon  
13 receiving this authorization, the Secretary of State may  
14 request and receive information and assistance from any  
15 federal, State, or local governmental agency as part of the  
16 authorized investigation. Each applicant shall submit his or  
17 her fingerprints to the Illinois State Police in the form and  
18 manner prescribed by the Illinois State Police. These  
19 fingerprints shall be checked against fingerprint records now  
20 and hereafter filed in the Illinois State Police and Federal  
21 Bureau of Investigation criminal history record databases. The  
22 Illinois State Police shall charge applicants a fee for  
23 conducting the criminal history record check, which shall be  
24 deposited into the State Police Services Fund and shall not  
25 exceed the actual cost of the State and national criminal  
26 history record check. The Illinois State Police shall furnish,

1 pursuant to positive identification, records of Illinois  
2 criminal convictions to the Secretary and shall forward the  
3 national criminal history record information to the Secretary.  
4 Applicants shall pay any other fingerprint-related fees.  
5 Unless otherwise prohibited by law, the information derived  
6 from the investigation, including the source of the  
7 information and any conclusions or recommendations derived  
8 from the information by the Secretary of State, shall be  
9 provided to the applicant upon request to the Secretary of  
10 State prior to any final action by the Secretary of State on  
11 the application. Any criminal conviction information obtained  
12 by the Secretary of State shall be confidential and may not be  
13 transmitted outside the Office of the Secretary of State,  
14 except as required by this subsection (b-5), and may not be  
15 transmitted to anyone within the Office of the Secretary of  
16 State except as needed for the purpose of evaluating the  
17 applicant. At any administrative hearing held under Section  
18 2-118 of this Code relating to the denial, cancellation,  
19 suspension, or revocation of certification of an adult driver  
20 education course provider, the Secretary of State may utilize  
21 at that hearing any criminal history, criminal conviction, and  
22 disposition information obtained under this subsection (b-5).  
23 The information obtained from the investigation may be  
24 maintained by the Secretary of State or any agency to which the  
25 information was transmitted. Only information and standards  
26 which bear a reasonable and rational relation to the

1 performance of providing adult driver education shall be used  
2 by the Secretary of State. Any employee of the Secretary of  
3 State who gives or causes to be given away any confidential  
4 information concerning any criminal convictions or disposition  
5 of criminal convictions of an applicant shall be guilty of a  
6 Class A misdemeanor unless release of the information is  
7 authorized by this Section.

8 (c) The Secretary may permit a course provider to offer  
9 the course online, if the Secretary is satisfied the course  
10 provider has established adequate procedures for verifying:

11 (1) the identity of the person taking the course  
12 online; and

13 (2) the person completes the entire course.

14 (d) The Secretary shall establish a method of electronic  
15 verification of a student's successful completion of the  
16 course.

17 (e) The fee charged by the course provider must bear a  
18 reasonable relationship to the cost of the course. The  
19 Secretary shall post on the Secretary of State's website a  
20 list of approved course providers, the fees charged by the  
21 providers, and contact information for each provider.

22 (f) In addition to any other fee charged by the course  
23 provider, the course provider shall collect a fee of \$5 from  
24 each student to offset the costs incurred by the Secretary in  
25 administering this program. The \$5 shall be submitted to the  
26 Secretary within 14 days of the day on which it was collected.

1 All such fees received by the Secretary shall be deposited in  
2 the Secretary of State Driver Services Administration Fund.  
3 (Source: P.A. 102-455, eff. 1-1-22; 102-538, eff. 8-20-21;  
4 revised 10-12-21.)

5 (625 ILCS 5/6-108.1)

6 Sec. 6-108.1. Notice to Secretary; denial of license;  
7 persons under 18.

8 (a) The State's Attorney must notify the Secretary of the  
9 charges pending against any person younger than 18 years of  
10 age who has been charged with a violation of this Code, the  
11 Criminal Code of 2012, or the Criminal Code of 1961 arising out  
12 of a crash ~~an accident~~ in which the person was involved as a  
13 driver and that caused the death of or a type A injury to  
14 another person. A "type A injury" includes severely bleeding  
15 wounds, distorted extremities, and injuries that require the  
16 injured party to be carried from the scene. The State's  
17 Attorney must notify the Secretary on a form prescribed by the  
18 Secretary.

19 (b) The Secretary, upon receiving notification from the  
20 State's Attorney, may deny any driver's license to any person  
21 younger than 18 years of age against whom the charges are  
22 pending.

23 (c) The State's Attorney must notify the Secretary of the  
24 final disposition of the case of any person who has been denied  
25 a driver's license under subsection (b).



1           (d) The Secretary must adopt rules for implementing this  
2 Section.

3           (Source: P.A. 97-1150, eff. 1-25-13.)

4           (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

5           Sec. 6-113. Restricted licenses and permits.

6           (a) The Secretary of State upon issuing a drivers license  
7 or permit shall have the authority whenever good cause appears  
8 to impose restrictions suitable to the licensee's driving  
9 ability with respect to the type of, or special mechanical  
10 control devices required on, a motor vehicle which the  
11 licensee may operate or such other restrictions applicable to  
12 the licensee as the Secretary of State may determine to be  
13 appropriate to assure the safe operation of a motor vehicle by  
14 the licensee.

15           (b) The Secretary of State may either issue a special  
16 restricted license or permit or may set forth such  
17 restrictions upon the usual license or permit form.

18           (c) The Secretary of State may issue a probationary  
19 license to a person whose driving privileges have been  
20 suspended pursuant to subsection (d) of this Section or  
21 subsection (a)(2) of Section 6-206 of this Code. This  
22 subsection (c) does not apply to any driver required to  
23 possess a CDL for the purpose of operating a commercial motor  
24 vehicle. The Secretary of State shall promulgate rules  
25 pursuant to the Illinois Administrative Procedure Act, setting

1       forth the conditions and criteria for the issuance and  
2       cancellation of probationary licenses.

3           (d) The Secretary of State may upon receiving satisfactory  
4       evidence of any violation of the restrictions of such license  
5       or permit suspend, revoke or cancel the same without  
6       preliminary hearing, but the licensee or permittee shall be  
7       entitled to a hearing as in the case of a suspension or  
8       revocation.

9           (e) It is unlawful for any person to operate a motor  
10       vehicle in any manner in violation of the restrictions imposed  
11       on a restricted license or permit issued to him.

12          (f) Whenever the holder of a restricted driving permit is  
13       issued a citation for any of the following offenses including  
14       similar local ordinances, the restricted driving permit is  
15       immediately invalidated:

16           1. Reckless homicide resulting from the operation of a  
17       motor vehicle;

18           2. Violation of Section 11-501 of this Act relating to  
19       the operation of a motor vehicle while under the influence  
20       of intoxicating liquor or narcotic drugs;

21           3. Violation of Section 11-401 of this Act relating to  
22       the offense of leaving the scene of a traffic crash  
23       ~~accident~~ involving death or injury;

24           4. Violation of Section 11-504 of this Act relating to  
25       the offense of drag racing; or

26           5. Violation of Section 11-506 of this Act relating to

1 the offense of street racing.

2 The police officer issuing the citation shall confiscate  
3 the restricted driving permit and forward it, along with the  
4 citation, to the Clerk of the Circuit Court of the county in  
5 which the citation was issued.

6 (g) The Secretary of State may issue a special restricted  
7 license for a period of 48 months to individuals using vision  
8 aid arrangements other than standard eyeglasses or contact  
9 lenses, allowing the operation of a motor vehicle during  
10 nighttime hours. The Secretary of State shall adopt rules  
11 defining the terms and conditions by which the individual may  
12 obtain and renew this special restricted license. At a  
13 minimum, all drivers must meet the following requirements:

14 1. Possess a valid driver's license and have operated  
15 a motor vehicle during daylight hours for a period of 12  
16 months using vision aid arrangements other than standard  
17 eyeglasses or contact lenses.

18 2. Have a driving record that does not include any  
19 traffic crashes ~~accidents~~ that occurred during nighttime  
20 hours, for which the driver has been found to be at fault,  
21 during the 12 months before he or she applied for the  
22 special restricted license.

23 3. Successfully complete a road test administered  
24 during nighttime hours.

25 The special restricted license holder must submit to the  
26 Secretary annually a vision specialist report from his or her

1 ophthalmologist or optometrist that the special restricted  
2 license holder's vision has not changed. If the special  
3 restricted license holder fails to submit this vision  
4 specialist report, the special restricted license shall be  
5 cancelled under Section 6-201 of this Code.

6 At a minimum, all drivers renewing this license must meet  
7 the following requirements:

8 1. Successfully complete a road test administered  
9 during nighttime hours.

10 2. Have a driving record that does not include any  
11 traffic crashes ~~accidents~~ that occurred during nighttime  
12 hours, for which the driver has been found to be at fault,  
13 during the 12 months before he or she applied for the  
14 special restricted license.

15 (h) Any driver issued a special restricted license as  
16 defined in subsection (g) whose privilege to drive during  
17 nighttime hours has been suspended due to a crash ~~an accident~~  
18 occurring during nighttime hours may request a hearing as  
19 provided in Section 2-118 of this Code to contest that  
20 suspension. If it is determined that the crash ~~accident~~ for  
21 which the driver was at fault was not influenced by the  
22 driver's use of vision aid arrangements other than standard  
23 eyeglasses or contact lenses, the Secretary may reinstate that  
24 driver's privilege to drive during nighttime hours.

25 (i) The Secretary of State may issue a special restricted  
26 training permit for a period of 6 months to individuals using

1 vision aid arrangements other than standard eyeglasses or  
2 contact lenses, allowing the operation of a motor vehicle  
3 between sunset and 10:00 p.m. provided the driver is  
4 accompanied by a person holding a valid driver's license  
5 without nighttime operation restrictions. The Secretary may  
6 adopt rules defining the terms and conditions by which the  
7 individual may obtain and renew this special restricted  
8 training permit. At a minimum, all persons applying for a  
9 special restricted training permit must meet the following  
10 requirements:

11 1. Possess a valid driver's license and have operated  
12 a motor vehicle during daylight hours for a period of 6  
13 months using vision aid arrangements other than standard  
14 eyeglasses or contact lenses.

15 2. Have a driving record that does not include any  
16 traffic crashes ~~accidents~~, for which the person has been  
17 found to be at fault, during the 6 months before he or she  
18 applied for the special restricted training permit.

19 (j) Whenever the Secretary of State has issued an  
20 administrative order requiring an individual to use an  
21 ignition interlock device after his or her driver's license  
22 has been reinstated, that individual shall be issued a  
23 driver's license containing the ignition interlock device  
24 restriction. The administrative order shall set forth the  
25 duration of the restriction and any other applicable terms and  
26 conditions.

1 (Source: P.A. 98-746, eff. 1-1-15; 98-747, eff. 1-1-15; 99-78,  
2 eff. 7-20-15; 99-289, eff. 8-6-15.)

3 (625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)

4 Sec. 6-117. Records to be kept by the Secretary of State.

5 (a) The Secretary of State shall file every application  
6 for a license or permit accepted under this Chapter, and shall  
7 maintain suitable indexes thereof. The records of the  
8 Secretary of State shall indicate the action taken with  
9 respect to such applications.

10 (b) The Secretary of State shall maintain appropriate  
11 records of all licenses and permits refused, cancelled,  
12 disqualified, revoked, or suspended and of the revocation,  
13 suspension, and disqualification of driving privileges of  
14 persons not licensed under this Chapter, and such records  
15 shall note the reasons for such action.

16 (c) The Secretary of State shall maintain appropriate  
17 records of convictions reported under this Chapter. Records of  
18 conviction may be maintained in a computer processible medium.

19 (d) The Secretary of State may also maintain appropriate  
20 records of any crash ~~accident~~ reports received.

21 (e) The Secretary of State shall also maintain appropriate  
22 records of any disposition of supervision or records relative  
23 to a driver's referral to a driver remedial or rehabilitative  
24 program, as required by the Secretary of State or the courts.  
25 Such records shall only be available for use by the Secretary,

1 the driver licensing administrator of any other state, law  
2 enforcement agencies, the courts, and the affected driver or,  
3 upon proper verification, such affected driver's attorney.

4 (f) The Secretary of State shall also maintain or contract  
5 to maintain appropriate records of all photographs and  
6 signatures obtained in the process of issuing any driver's  
7 license, permit, or identification card. The record shall be  
8 confidential and shall not be disclosed except to those  
9 entities listed under Section 6-110.1 of this Code.

10 (g) The Secretary of State may establish a First Person  
11 Consent organ and tissue donor registry in compliance with  
12 subsection (b-1) of Section 5-20 of the Illinois Anatomical  
13 Gift Act, as follows:

14 (1) The Secretary shall offer, to each applicant for  
15 issuance or renewal of a driver's license or  
16 identification card who is 16 years of age or older, the  
17 opportunity to have his or her name included in the First  
18 Person Consent organ and tissue donor registry. The  
19 Secretary must advise the applicant or licensee that he or  
20 she is under no compulsion to have his or her name included  
21 in the registry. An individual who agrees to having his or  
22 her name included in the First Person Consent organ and  
23 tissue donor registry has given full legal consent to the  
24 donation of any of his or her organs or tissue upon his or  
25 her death. A brochure explaining this method of executing  
26 an anatomical gift must be given to each applicant for

1 issuance or renewal of a driver's license or  
2 identification card. The brochure must advise the  
3 applicant or licensee (i) that he or she is under no  
4 compulsion to have his or her name included in this  
5 registry and (ii) that he or she may wish to consult with  
6 family, friends, or clergy before doing so.

7 (2) The Secretary of State may establish additional  
8 methods by which an individual may have his or her name  
9 included in the First Person Consent organ and tissue  
10 donor registry.

11 (3) When an individual has agreed to have his or her  
12 name included in the First Person Consent organ and tissue  
13 donor registry, the Secretary of State shall note that  
14 agreement in the First Person consent organ and tissue  
15 donor registry. Representatives of federally designated  
16 organ procurement agencies and tissue banks and the  
17 offices of Illinois county coroners and medical examiners  
18 may inquire of the Secretary of State whether a potential  
19 organ donor's name is included in the First Person Consent  
20 organ and tissue donor registry, and the Secretary of  
21 State may provide that information to the representative.

22 (4) An individual may withdraw his or her consent to  
23 be listed in the First Person Consent organ and tissue  
24 donor registry maintained by the Secretary of State by  
25 notifying the Secretary of State in writing, or by any  
26 other means approved by the Secretary, of the individual's



1 decision to have his or her name removed from the  
2 registry.

3 (5) The Secretary of State may undertake additional  
4 efforts, including education and awareness activities, to  
5 promote organ and tissue donation.

6 (6) In the absence of gross negligence or willful  
7 misconduct, the Secretary of State and his or her  
8 employees are immune from any civil or criminal liability  
9 in connection with an individual's consent to be listed in  
10 the organ and tissue donor registry.

11 (Source: P.A. 100-41, eff. 1-1-18.)

12 (625 ILCS 5/6-117.2)

13 Sec. 6-117.2. Emergency contact database.

14 (a) The Secretary of State shall establish a database of  
15 the emergency contacts of persons who hold a driver's license,  
16 instruction permit, or any other type of driving permit issued  
17 by the Secretary of State. Information in the database shall  
18 be accessible only to employees of the Office of the Secretary  
19 and law enforcement officers employed by a law enforcement  
20 agency. Law enforcement officers may share information  
21 contained in the emergency contact database, including  
22 disabilities and special needs information, with other public  
23 safety workers on scene, as needed to conduct official law  
24 enforcement duties.

25 (b) Any person holding a driver's license, instruction

1 permit, or any other type of driving permit issued by the  
2 Secretary of State shall be afforded the opportunity to  
3 provide the Secretary of State, in a manner and form  
4 designated by the Secretary of State, the name, address,  
5 telephone number, and relationship to the holder of no more  
6 than 2 emergency contact persons whom the holder wishes to be  
7 contacted by a law enforcement officer if the holder is  
8 involved in a motor vehicle crash ~~accident~~ or other emergency  
9 situation and the holder is unable to communicate with the  
10 contact person or persons and may designate whether the holder  
11 has a disability or is a special needs individual. A contact  
12 person need not be the holder's next of kin.

13 (c) The Secretary shall adopt rules to implement this  
14 Section. At a minimum, the rules shall address all of the  
15 following:

16 (1) the method whereby a holder may provide the  
17 Secretary of State with emergency contact, disability, and  
18 special needs information;

19 (2) the method whereby a holder may provide the  
20 Secretary of State with a change to the emergency contact,  
21 disability, and special needs information; and

22 (3) any other aspect of the database or its operation  
23 that the Secretary determines is necessary to implement  
24 this Section.

25 (d) If a person involved in a motor vehicle crash ~~accident~~  
26 or other emergency situation is unable to communicate with the

1 contact person or persons specified in the database, a law  
2 enforcement officer shall make a good faith effort to notify  
3 the contact person or persons of the situation. Neither the  
4 law enforcement officer nor the law enforcement agency that  
5 employs that law enforcement officer incurs any liability,  
6 however, if the law enforcement officer is not able to make  
7 contact with the contact person. Except for willful or wanton  
8 misconduct, neither the law enforcement officer, nor the law  
9 enforcement agency that employs the law enforcement officer,  
10 shall incur any liability relating to the reporting or use of  
11 the database during a motor vehicle crash ~~accident~~ or other  
12 emergency situation.

13 (e) The Secretary of State shall make a good faith effort  
14 to maintain accurate data as provided by the driver's license  
15 or instruction permit holder and to provide that information  
16 to law enforcement as provided in subsection (a). The  
17 Secretary of State is not liable for any damages, costs, or  
18 expenses, including, without limitation, consequential  
19 damages, arising or resulting from any inaccurate or  
20 incomplete data or system unavailability. Except for willful  
21 or wanton misconduct, the Secretary of State shall not incur  
22 any liability relating to the reporting of disabilities or  
23 special needs individuals.

24 (f) As used in this Section:

25 "Disability" means an individual's physical or mental  
26 impairment that substantially limits one or more of the major

1 life activities; a record of such impairment; or when the  
2 individual is regarded as having such impairment.

3 "Public safety worker" means a person employed by this  
4 State or a political subdivision thereof that provides  
5 firefighting, law enforcement, medical or other emergency  
6 services.

7 "Special needs individuals" means those individuals who  
8 have or are at increased risk for a chronic physical,  
9 developmental, behavioral, or emotional condition and who also  
10 require health and related services of a type or amount beyond  
11 that required by individuals generally.

12 (Source: P.A. 95-898, eff. 7-1-09; 96-1168, eff. 1-1-11.)

13 (625 ILCS 5/6-201)

14 Sec. 6-201. Authority to cancel licenses and permits.

15 (a) The Secretary of State is authorized to cancel any  
16 license or permit upon determining that the holder thereof:

17 1. was not entitled to the issuance thereof hereunder;

18 or

19 2. failed to give the required or correct information  
20 in his application; or

21 3. failed to pay any fees owed to the Secretary of  
22 State under this Code for the license or permit; or

23 4. committed any fraud in the making of such  
24 application; or

25 5. is ineligible therefor under the provisions of

1 Section 6-103 of this Act, as amended; or

2 6. has refused or neglected to submit an alcohol,  
3 drug, and intoxicating compound evaluation or to submit to  
4 examination or re-examination as required under this Act;  
5 or

6 7. has been convicted of violating the Cannabis  
7 Control Act, the Illinois Controlled Substances Act, the  
8 Methamphetamine Control and Community Protection Act, or  
9 the Use of Intoxicating Compounds Act while that  
10 individual was in actual physical control of a motor  
11 vehicle. For purposes of this Section, any person placed  
12 on probation under Section 10 of the Cannabis Control Act,  
13 Section 410 of the Illinois Controlled Substances Act, or  
14 Section 70 of the Methamphetamine Control and Community  
15 Protection Act shall not be considered convicted. Any  
16 person found guilty of this offense, while in actual  
17 physical control of a motor vehicle, shall have an entry  
18 made in the court record by the judge that this offense did  
19 occur while the person was in actual physical control of a  
20 motor vehicle and order the clerk of the court to report  
21 the violation to the Secretary of State as such. After the  
22 cancellation, the Secretary of State shall not issue a new  
23 license or permit for a period of one year after the date  
24 of cancellation. However, upon application, the Secretary  
25 of State may, if satisfied that the person applying will  
26 not endanger the public safety, or welfare, issue a

1 restricted driving permit granting the privilege of  
2 driving a motor vehicle between the petitioner's residence  
3 and petitioner's place of employment or within the scope  
4 of the petitioner's employment related duties, or to allow  
5 transportation for the petitioner or a household member of  
6 the petitioner's family for the receipt of necessary  
7 medical care, or provide transportation for the petitioner  
8 to and from alcohol or drug remedial or rehabilitative  
9 activity recommended by a licensed service provider, or  
10 for the petitioner to attend classes, as a student, in an  
11 accredited educational institution. The petitioner must  
12 demonstrate that no alternative means of transportation is  
13 reasonably available; provided that the Secretary's  
14 discretion shall be limited to cases where undue hardship,  
15 as defined by the rules of the Secretary of State, would  
16 result from a failure to issue such restricted driving  
17 permit. In each case the Secretary of State may issue such  
18 restricted driving permit for such period as he deems  
19 appropriate, except that such permit shall expire no later  
20 than 2 years from the date of issuance. A restricted  
21 driving permit issued hereunder shall be subject to  
22 cancellation, revocation and suspension by the Secretary  
23 of State in like manner and for like cause as a driver's  
24 license issued hereunder may be cancelled, revoked or  
25 suspended; except that a conviction upon one or more  
26 offenses against laws or ordinances regulating the

1 movement of traffic shall be deemed sufficient cause for  
2 the revocation, suspension or cancellation of a restricted  
3 driving permit. The Secretary of State may, as a condition  
4 to the issuance of a restricted driving permit, require  
5 the applicant to participate in a driver remedial or  
6 rehabilitative program. In accordance with 49 C.F.R. 384,  
7 the Secretary of State may not issue a restricted driving  
8 permit for the operation of a commercial motor vehicle to  
9 a person holding a CDL whose driving privileges have been  
10 revoked, suspended, cancelled, or disqualified under this  
11 Code; or

12 8. failed to submit a report as required by Section  
13 6-116.5 of this Code; or

14 9. has been convicted of a sex offense as defined in  
15 the Sex Offender Registration Act. The driver's license  
16 shall remain cancelled until the driver registers as a sex  
17 offender as required by the Sex Offender Registration Act,  
18 proof of the registration is furnished to the Secretary of  
19 State and the sex offender provides proof of current  
20 address to the Secretary; or

21 10. is ineligible for a license or permit under  
22 Section 6-107, 6-107.1, or 6-108 of this Code; or

23 11. refused or neglected to appear at a Driver  
24 Services facility to have the license or permit corrected  
25 and a new license or permit issued or to present  
26 documentation for verification of identity; or

1           12. failed to submit a medical examiner's certificate  
2           or medical variance as required by 49 C.F.R. 383.71 or  
3           submitted a fraudulent medical examiner's certificate or  
4           medical variance; or

5           13. has had his or her medical examiner's certificate,  
6           medical variance, or both removed or rescinded by the  
7           Federal Motor Carrier Safety Administration; or

8           14. failed to self-certify as to the type of driving  
9           in which the CDL driver engages or expects to engage; or

10          15. has submitted acceptable documentation indicating  
11          out-of-state residency to the Secretary of State to be  
12          released from the requirement of showing proof of  
13          financial responsibility in this State; or

14          16. was convicted of fraud relating to the testing or  
15          issuance of a CDL or CLP, in which case only the CDL or CLP  
16          shall be cancelled. After cancellation, the Secretary  
17          shall not issue a CLP or CDL for a period of one year from  
18          the date of cancellation; or

19          17. has a special restricted license under subsection  
20          (g) of Section 6-113 of this Code and failed to submit the  
21          required annual vision specialist report that the special  
22          restricted license holder's vision has not changed; or

23          18. has a special restricted license under subsection  
24          (g) of Section 6-113 of this Code and was convicted or  
25          received court supervision for a violation of this Code  
26          that occurred during nighttime hours or was involved in a



1 motor vehicle crash ~~accident~~ during nighttime hours in  
2 which the restricted license holder was at fault; or

3 19. has assisted an out-of-state resident in acquiring  
4 an Illinois driver's license or identification card by  
5 providing or allowing the out-of-state resident to use his  
6 or her Illinois address of residence and is complicit in  
7 distributing and forwarding the Illinois driver's license  
8 or identification card to the out-of-state resident.

9 (b) Upon such cancellation the licensee or permittee must  
10 surrender the license or permit so cancelled to the Secretary  
11 of State.

12 (c) Except as provided in Sections 6-206.1 and 7-702.1,  
13 the Secretary of State shall have exclusive authority to  
14 grant, issue, deny, cancel, suspend and revoke driving  
15 privileges, drivers' licenses and restricted driving permits.

16 (d) The Secretary of State may adopt rules to implement  
17 this Section.

18 (Source: P.A. 100-409, eff. 8-25-17; 100-803, eff. 1-1-19;  
19 101-623, eff. 7-1-20.)

20 (625 ILCS 5/6-205)

21 Sec. 6-205. Mandatory revocation of license or permit;  
22 hardship cases.

23 (a) Except as provided in this Section, the Secretary of  
24 State shall immediately revoke the license, permit, or driving  
25 privileges of any driver upon receiving a report of the

1 driver's conviction of any of the following offenses:

2 1. Reckless homicide resulting from the operation of a  
3 motor vehicle;

4 2. Violation of Section 11-501 of this Code or a  
5 similar provision of a local ordinance relating to the  
6 offense of operating or being in physical control of a  
7 vehicle while under the influence of alcohol, other drug  
8 or drugs, intoxicating compound or compounds, or any  
9 combination thereof;

10 3. Any felony under the laws of any State or the  
11 federal government in the commission of which a motor  
12 vehicle was used;

13 4. Violation of Section 11-401 of this Code relating  
14 to the offense of leaving the scene of a traffic crash  
15 ~~accident~~ involving death or personal injury;

16 5. Perjury or the making of a false affidavit or  
17 statement under oath to the Secretary of State under this  
18 Code or under any other law relating to the ownership or  
19 operation of motor vehicles;

20 6. Conviction upon 3 charges of violation of Section  
21 11-503 of this Code relating to the offense of reckless  
22 driving committed within a period of 12 months;

23 7. Conviction of any offense defined in Section 4-102  
24 of this Code if the person exercised actual physical  
25 control over the vehicle during the commission of the  
26 offense;

1           8. Violation of Section 11-504 of this Code relating  
2 to the offense of drag racing;

3           9. Violation of Chapters 8 and 9 of this Code;

4           10. Violation of Section 12-5 of the Criminal Code of  
5 1961 or the Criminal Code of 2012 arising from the use of a  
6 motor vehicle;

7           11. Violation of Section 11-204.1 of this Code  
8 relating to aggravated fleeing or attempting to elude a  
9 peace officer;

10          12. Violation of paragraph (1) of subsection (b) of  
11 Section 6-507, or a similar law of any other state,  
12 relating to the unlawful operation of a commercial motor  
13 vehicle;

14          13. Violation of paragraph (a) of Section 11-502 of  
15 this Code or a similar provision of a local ordinance if  
16 the driver has been previously convicted of a violation of  
17 that Section or a similar provision of a local ordinance  
18 and the driver was less than 21 years of age at the time of  
19 the offense;

20          14. Violation of paragraph (a) of Section 11-506 of  
21 this Code or a similar provision of a local ordinance  
22 relating to the offense of street racing;

23          15. A second or subsequent conviction of driving while  
24 the person's driver's license, permit or privileges was  
25 revoked for reckless homicide or a similar out-of-state  
26 offense;

1           16. Any offense against any provision in this Code, or  
2           any local ordinance, regulating the movement of traffic  
3           when that offense was the proximate cause of the death of  
4           any person. Any person whose driving privileges have been  
5           revoked pursuant to this paragraph may seek to have the  
6           revocation terminated or to have the length of revocation  
7           reduced by requesting an administrative hearing with the  
8           Secretary of State prior to the projected driver's license  
9           application eligibility date;

10           17. Violation of subsection (a-2) of Section 11-1301.3  
11           of this Code or a similar provision of a local ordinance;

12           18. A second or subsequent conviction of illegal  
13           possession, while operating or in actual physical control,  
14           as a driver, of a motor vehicle, of any controlled  
15           substance prohibited under the Illinois Controlled  
16           Substances Act, any cannabis prohibited under the Cannabis  
17           Control Act, or any methamphetamine prohibited under the  
18           Methamphetamine Control and Community Protection Act. A  
19           defendant found guilty of this offense while operating a  
20           motor vehicle shall have an entry made in the court record  
21           by the presiding judge that this offense did occur while  
22           the defendant was operating a motor vehicle and order the  
23           clerk of the court to report the violation to the  
24           Secretary of State;

25           19. Violation of subsection (a) of Section 11-1414 of  
26           this Code, or a similar provision of a local ordinance,

1 relating to the offense of overtaking or passing of a  
2 school bus when the driver, in committing the violation,  
3 is involved in a motor vehicle crash ~~accident~~ that results  
4 in death to another and the violation is a proximate cause  
5 of the death.

6 (b) The Secretary of State shall also immediately revoke  
7 the license or permit of any driver in the following  
8 situations:

9 1. Of any minor upon receiving the notice provided for  
10 in Section 5-901 of the Juvenile Court Act of 1987 that the  
11 minor has been adjudicated under that Act as having  
12 committed an offense relating to motor vehicles prescribed  
13 in Section 4-103 of this Code;

14 2. Of any person when any other law of this State  
15 requires either the revocation or suspension of a license  
16 or permit;

17 3. Of any person adjudicated under the Juvenile Court  
18 Act of 1987 based on an offense determined to have been  
19 committed in furtherance of the criminal activities of an  
20 organized gang as provided in Section 5-710 of that Act,  
21 and that involved the operation or use of a motor vehicle  
22 or the use of a driver's license or permit. The revocation  
23 shall remain in effect for the period determined by the  
24 court.

25 (c) (1) Whenever a person is convicted of any of the  
26 offenses enumerated in this Section, the court may recommend

1 and the Secretary of State in his discretion, without regard  
2 to whether the recommendation is made by the court may, upon  
3 application, issue to the person a restricted driving permit  
4 granting the privilege of driving a motor vehicle between the  
5 petitioner's residence and petitioner's place of employment or  
6 within the scope of the petitioner's employment related  
7 duties, or to allow the petitioner to transport himself or  
8 herself or a family member of the petitioner's household to a  
9 medical facility for the receipt of necessary medical care or  
10 to allow the petitioner to transport himself or herself to and  
11 from alcohol or drug remedial or rehabilitative activity  
12 recommended by a licensed service provider, or to allow the  
13 petitioner to transport himself or herself or a family member  
14 of the petitioner's household to classes, as a student, at an  
15 accredited educational institution, or to allow the petitioner  
16 to transport children, elderly persons, or persons with  
17 disabilities who do not hold driving privileges and are living  
18 in the petitioner's household to and from daycare; if the  
19 petitioner is able to demonstrate that no alternative means of  
20 transportation is reasonably available and that the petitioner  
21 will not endanger the public safety or welfare; provided that  
22 the Secretary's discretion shall be limited to cases where  
23 undue hardship, as defined by the rules of the Secretary of  
24 State, would result from a failure to issue the restricted  
25 driving permit.

26 (1.5) A person subject to the provisions of paragraph 4 of

1 subsection (b) of Section 6-208 of this Code may make  
2 application for a restricted driving permit at a hearing  
3 conducted under Section 2-118 of this Code after the  
4 expiration of 5 years from the effective date of the most  
5 recent revocation, or after 5 years from the date of release  
6 from a period of imprisonment resulting from a conviction of  
7 the most recent offense, whichever is later, provided the  
8 person, in addition to all other requirements of the  
9 Secretary, shows by clear and convincing evidence:

10 (A) a minimum of 3 years of uninterrupted abstinence  
11 from alcohol and the unlawful use or consumption of  
12 cannabis under the Cannabis Control Act, a controlled  
13 substance under the Illinois Controlled Substances Act, an  
14 intoxicating compound under the Use of Intoxicating  
15 Compounds Act, or methamphetamine under the  
16 Methamphetamine Control and Community Protection Act; and

17 (B) the successful completion of any rehabilitative  
18 treatment and involvement in any ongoing rehabilitative  
19 activity that may be recommended by a properly licensed  
20 service provider according to an assessment of the  
21 person's alcohol or drug use under Section 11-501.01 of  
22 this Code.

23 In determining whether an applicant is eligible for a  
24 restricted driving permit under this paragraph (1.5), the  
25 Secretary may consider any relevant evidence, including, but  
26 not limited to, testimony, affidavits, records, and the

1 results of regular alcohol or drug tests. Persons subject to  
2 the provisions of paragraph 4 of subsection (b) of Section  
3 6-208 of this Code and who have been convicted of more than one  
4 violation of paragraph (3), paragraph (4), or paragraph (5) of  
5 subsection (a) of Section 11-501 of this Code shall not be  
6 eligible to apply for a restricted driving permit.

7 A restricted driving permit issued under this paragraph  
8 (1.5) shall provide that the holder may only operate motor  
9 vehicles equipped with an ignition interlock device as  
10 required under paragraph (2) of subsection (c) of this Section  
11 and subparagraph (A) of paragraph 3 of subsection (c) of  
12 Section 6-206 of this Code. The Secretary may revoke a  
13 restricted driving permit or amend the conditions of a  
14 restricted driving permit issued under this paragraph (1.5) if  
15 the holder operates a vehicle that is not equipped with an  
16 ignition interlock device, or for any other reason authorized  
17 under this Code.

18 A restricted driving permit issued under this paragraph  
19 (1.5) shall be revoked, and the holder barred from applying  
20 for or being issued a restricted driving permit in the future,  
21 if the holder is subsequently convicted of a violation of  
22 Section 11-501 of this Code, a similar provision of a local  
23 ordinance, or a similar offense in another state.

24 (2) If a person's license or permit is revoked or  
25 suspended due to 2 or more convictions of violating Section  
26 11-501 of this Code or a similar provision of a local ordinance



1 or a similar out-of-state offense, or Section 9-3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012, where the  
3 use of alcohol or other drugs is recited as an element of the  
4 offense, or a similar out-of-state offense, or a combination  
5 of these offenses, arising out of separate occurrences, that  
6 person, if issued a restricted driving permit, may not operate  
7 a vehicle unless it has been equipped with an ignition  
8 interlock device as defined in Section 1-129.1.

9 (3) If:

10 (A) a person's license or permit is revoked or  
11 suspended 2 or more times due to any combination of:

12 (i) a single conviction of violating Section  
13 11-501 of this Code or a similar provision of a local  
14 ordinance or a similar out-of-state offense, or  
15 Section 9-3 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, where the use of alcohol or  
17 other drugs is recited as an element of the offense, or  
18 a similar out-of-state offense; or

19 (ii) a statutory summary suspension or revocation  
20 under Section 11-501.1; or

21 (iii) a suspension pursuant to Section 6-203.1;  
22 arising out of separate occurrences; or

23 (B) a person has been convicted of one violation of  
24 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
25 of Section 11-501 of this Code, Section 9-3 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012,

1 relating to the offense of reckless homicide where the use  
2 of alcohol or other drugs was recited as an element of the  
3 offense, or a similar provision of a law of another state;  
4 that person, if issued a restricted driving permit, may not  
5 operate a vehicle unless it has been equipped with an ignition  
6 interlock device as defined in Section 1-129.1.

7 (4) The person issued a permit conditioned on the use of an  
8 ignition interlock device must pay to the Secretary of State  
9 DUI Administration Fund an amount not to exceed \$30 per month.  
10 The Secretary shall establish by rule the amount and the  
11 procedures, terms, and conditions relating to these fees.

12 (5) If the restricted driving permit is issued for  
13 employment purposes, then the prohibition against operating a  
14 motor vehicle that is not equipped with an ignition interlock  
15 device does not apply to the operation of an occupational  
16 vehicle owned or leased by that person's employer when used  
17 solely for employment purposes. For any person who, within a  
18 5-year period, is convicted of a second or subsequent offense  
19 under Section 11-501 of this Code, or a similar provision of a  
20 local ordinance or similar out-of-state offense, this  
21 employment exemption does not apply until either a one-year  
22 period has elapsed during which that person had his or her  
23 driving privileges revoked or a one-year period has elapsed  
24 during which that person had a restricted driving permit which  
25 required the use of an ignition interlock device on every  
26 motor vehicle owned or operated by that person.

1           (6) In each case the Secretary of State may issue a  
2 restricted driving permit for a period he deems appropriate,  
3 except that the permit shall expire no later than 2 years from  
4 the date of issuance. A restricted driving permit issued under  
5 this Section shall be subject to cancellation, revocation, and  
6 suspension by the Secretary of State in like manner and for  
7 like cause as a driver's license issued under this Code may be  
8 cancelled, revoked, or suspended; except that a conviction  
9 upon one or more offenses against laws or ordinances  
10 regulating the movement of traffic shall be deemed sufficient  
11 cause for the revocation, suspension, or cancellation of a  
12 restricted driving permit. The Secretary of State may, as a  
13 condition to the issuance of a restricted driving permit,  
14 require the petitioner to participate in a designated driver  
15 remedial or rehabilitative program. The Secretary of State is  
16 authorized to cancel a restricted driving permit if the permit  
17 holder does not successfully complete the program. However, if  
18 an individual's driving privileges have been revoked in  
19 accordance with paragraph 13 of subsection (a) of this  
20 Section, no restricted driving permit shall be issued until  
21 the individual has served 6 months of the revocation period.

22           (c-5) (Blank).

23           (c-6) If a person is convicted of a second violation of  
24 operating a motor vehicle while the person's driver's license,  
25 permit or privilege was revoked, where the revocation was for  
26 a violation of Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 relating to the offense of reckless  
2 homicide or a similar out-of-state offense, the person's  
3 driving privileges shall be revoked pursuant to subdivision  
4 (a)(15) of this Section. The person may not make application  
5 for a license or permit until the expiration of five years from  
6 the effective date of the revocation or the expiration of five  
7 years from the date of release from a term of imprisonment,  
8 whichever is later.

9 (c-7) If a person is convicted of a third or subsequent  
10 violation of operating a motor vehicle while the person's  
11 driver's license, permit or privilege was revoked, where the  
12 revocation was for a violation of Section 9-3 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012 relating to the  
14 offense of reckless homicide or a similar out-of-state  
15 offense, the person may never apply for a license or permit.

16 (d)(1) Whenever a person under the age of 21 is convicted  
17 under Section 11-501 of this Code or a similar provision of a  
18 local ordinance or a similar out-of-state offense, the  
19 Secretary of State shall revoke the driving privileges of that  
20 person. One year after the date of revocation, and upon  
21 application, the Secretary of State may, if satisfied that the  
22 person applying will not endanger the public safety or  
23 welfare, issue a restricted driving permit granting the  
24 privilege of driving a motor vehicle only between the hours of  
25 5 a.m. and 9 p.m. or as otherwise provided by this Section for  
26 a period of one year. After this one-year period, and upon

1 reapplication for a license as provided in Section 6-106, upon  
2 payment of the appropriate reinstatement fee provided under  
3 paragraph (b) of Section 6-118, the Secretary of State, in his  
4 discretion, may reinstate the petitioner's driver's license  
5 and driving privileges, or extend the restricted driving  
6 permit as many times as the Secretary of State deems  
7 appropriate, by additional periods of not more than 24 months  
8 each.

9 (2) If a person's license or permit is revoked or  
10 suspended due to 2 or more convictions of violating  
11 Section 11-501 of this Code or a similar provision of a  
12 local ordinance or a similar out-of-state offense, or  
13 Section 9-3 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012, where the use of alcohol or other drugs is  
15 recited as an element of the offense, or a similar  
16 out-of-state offense, or a combination of these offenses,  
17 arising out of separate occurrences, that person, if  
18 issued a restricted driving permit, may not operate a  
19 vehicle unless it has been equipped with an ignition  
20 interlock device as defined in Section 1-129.1.

21 (3) If a person's license or permit is revoked or  
22 suspended 2 or more times due to any combination of:

23 (A) a single conviction of violating Section  
24 11-501 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense, or  
26 Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, where the use of alcohol or  
2 other drugs is recited as an element of the offense, or  
3 a similar out-of-state offense; or

4 (B) a statutory summary suspension or revocation  
5 under Section 11-501.1; or

6 (C) a suspension pursuant to Section 6-203.1;  
7 arising out of separate occurrences, that person, if  
8 issued a restricted driving permit, may not operate a  
9 vehicle unless it has been equipped with an ignition  
10 interlock device as defined in Section 1-129.1.

11 (3.5) If a person's license or permit is revoked or  
12 suspended due to a conviction for a violation of  
13 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
14 of Section 11-501 of this Code, or a similar provision of a  
15 local ordinance or similar out-of-state offense, that  
16 person, if issued a restricted driving permit, may not  
17 operate a vehicle unless it has been equipped with an  
18 ignition interlock device as defined in Section 1-129.1.

19 (4) The person issued a permit conditioned upon the  
20 use of an interlock device must pay to the Secretary of  
21 State DUI Administration Fund an amount not to exceed \$30  
22 per month. The Secretary shall establish by rule the  
23 amount and the procedures, terms, and conditions relating  
24 to these fees.

25 (5) If the restricted driving permit is issued for  
26 employment purposes, then the prohibition against driving

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

15 (6) A restricted driving permit issued under this  
16 Section shall be subject to cancellation, revocation, and  
17 suspension by the Secretary of State in like manner and  
18 for like cause as a driver's license issued under this  
19 Code may be cancelled, revoked, or suspended; except that  
20 a conviction upon one or more offenses against laws or  
21 ordinances regulating the movement of traffic shall be  
22 deemed sufficient cause for the revocation, suspension, or  
23 cancellation of a restricted driving permit.

24 (d-5) The revocation of the license, permit, or driving  
25 privileges of a person convicted of a third or subsequent  
26 violation of Section 6-303 of this Code committed while his or

1 her driver's license, permit, or privilege was revoked because  
2 of a violation of Section 9-3 of the Criminal Code of 1961 or  
3 the Criminal Code of 2012, relating to the offense of reckless  
4 homicide, or a similar provision of a law of another state, is  
5 permanent. The Secretary may not, at any time, issue a license  
6 or permit to that person.

7 (e) This Section is subject to the provisions of the  
8 Driver License Compact.

9 (f) Any revocation imposed upon any person under  
10 subsections 2 and 3 of paragraph (b) that is in effect on  
11 December 31, 1988 shall be converted to a suspension for a like  
12 period of time.

13 (g) The Secretary of State shall not issue a restricted  
14 driving permit to a person under the age of 16 years whose  
15 driving privileges have been revoked under any provisions of  
16 this Code.

17 (h) The Secretary of State shall require the use of  
18 ignition interlock devices for a period not less than 5 years  
19 on all vehicles owned by a person who has been convicted of a  
20 second or subsequent offense under Section 11-501 of this Code  
21 or a similar provision of a local ordinance. The person must  
22 pay to the Secretary of State DUI Administration Fund an  
23 amount not to exceed \$30 for each month that he or she uses the  
24 device. The Secretary shall establish by rule and regulation  
25 the procedures for certification and use of the interlock  
26 system, the amount of the fee, and the procedures, terms, and



1 conditions relating to these fees. During the time period in  
2 which a person is required to install an ignition interlock  
3 device under this subsection (h), that person shall only  
4 operate vehicles in which ignition interlock devices have been  
5 installed, except as allowed by subdivision (c)(5) or (d)(5)  
6 of this Section. Regardless of whether an exemption under  
7 subdivision (c)(5) or (d)(5) applies, every person subject  
8 to this subsection shall not be eligible for reinstatement  
9 until the person installs an ignition interlock device and  
10 maintains the ignition interlock device for 5 years.

11 (i) (Blank).

12 (j) In accordance with 49 C.F.R. 384, the Secretary of  
13 State may not issue a restricted driving permit for the  
14 operation of a commercial motor vehicle to a person holding a  
15 CDL whose driving privileges have been revoked, suspended,  
16 cancelled, or disqualified under any provisions of this Code.

17 (k) The Secretary of State shall notify by mail any person  
18 whose driving privileges have been revoked under paragraph 16  
19 of subsection (a) of this Section that his or her driving  
20 privileges and driver's license will be revoked 90 days from  
21 the date of the mailing of the notice.

22 (Source: P.A. 101-623, eff. 7-1-20; 102-299, eff. 8-6-21.)

23 (625 ILCS 5/6-206)

24 Sec. 6-206. Discretionary authority to suspend or revoke  
25 license or permit; right to a hearing.

1           (a) The Secretary of State is authorized to suspend or  
2           revoke the driving privileges of any person without  
3           preliminary hearing upon a showing of the person's records or  
4           other sufficient evidence that the person:

5           1. Has committed an offense for which mandatory  
6           revocation of a driver's license or permit is required  
7           upon conviction;

8           2. Has been convicted of not less than 3 offenses  
9           against traffic regulations governing the movement of  
10          vehicles committed within any 12-month period. No  
11          revocation or suspension shall be entered more than 6  
12          months after the date of last conviction;

13          3. Has been repeatedly involved as a driver in motor  
14          vehicle collisions or has been repeatedly convicted of  
15          offenses against laws and ordinances regulating the  
16          movement of traffic, to a degree that indicates lack of  
17          ability to exercise ordinary and reasonable care in the  
18          safe operation of a motor vehicle or disrespect for the  
19          traffic laws and the safety of other persons upon the  
20          highway;

21          4. Has by the unlawful operation of a motor vehicle  
22          caused or contributed to a crash ~~an accident~~ resulting in  
23          injury requiring immediate professional treatment in a  
24          medical facility or doctor's office to any person, except  
25          that any suspension or revocation imposed by the Secretary  
26          of State under the provisions of this subsection shall

1 start no later than 6 months after being convicted of  
2 violating a law or ordinance regulating the movement of  
3 traffic, which violation is related to the crash ~~accident~~,  
4 or shall start not more than one year after the date of the  
5 crash ~~accident~~, whichever date occurs later;

6 5. Has permitted an unlawful or fraudulent use of a  
7 driver's license, identification card, or permit;

8 6. Has been lawfully convicted of an offense or  
9 offenses in another state, including the authorization  
10 contained in Section 6-203.1, which if committed within  
11 this State would be grounds for suspension or revocation;

12 7. Has refused or failed to submit to an examination  
13 provided for by Section 6-207 or has failed to pass the  
14 examination;

15 8. Is ineligible for a driver's license or permit  
16 under the provisions of Section 6-103;

17 9. Has made a false statement or knowingly concealed a  
18 material fact or has used false information or  
19 identification in any application for a license,  
20 identification card, or permit;

21 10. Has possessed, displayed, or attempted to  
22 fraudulently use any license, identification card, or  
23 permit not issued to the person;

24 11. Has operated a motor vehicle upon a highway of  
25 this State when the person's driving privilege or  
26 privilege to obtain a driver's license or permit was

1           revoked or suspended unless the operation was authorized  
2           by a monitoring device driving permit, judicial driving  
3           permit issued prior to January 1, 2009, probationary  
4           license to drive, or restricted driving permit issued  
5           under this Code;

6           12. Has submitted to any portion of the application  
7           process for another person or has obtained the services of  
8           another person to submit to any portion of the application  
9           process for the purpose of obtaining a license,  
10          identification card, or permit for some other person;

11          13. Has operated a motor vehicle upon a highway of  
12          this State when the person's driver's license or permit  
13          was invalid under the provisions of Sections 6-107.1 and  
14          6-110;

15          14. Has committed a violation of Section 6-301,  
16          6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
17          14B of the Illinois Identification Card Act;

18          15. Has been convicted of violating Section 21-2 of  
19          the Criminal Code of 1961 or the Criminal Code of 2012  
20          relating to criminal trespass to vehicles if the person  
21          exercised actual physical control over the vehicle during  
22          the commission of the offense, in which case the  
23          suspension shall be for one year;

24          16. Has been convicted of violating Section 11-204 of  
25          this Code relating to fleeing from a peace officer;

26          17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the  
2 person has not sought a hearing as provided for in Section  
3 11-501.1;

4 18. (Blank);

5 19. Has committed a violation of paragraph (a) or (b)  
6 of Section 6-101 relating to driving without a driver's  
7 license;

8 20. Has been convicted of violating Section 6-104  
9 relating to classification of driver's license;

10 21. Has been convicted of violating Section 11-402 of  
11 this Code relating to leaving the scene of a crash ~~an~~  
12 ~~accident~~ resulting in damage to a vehicle in excess of  
13 \$1,000, in which case the suspension shall be for one  
14 year;

15 22. Has used a motor vehicle in violating paragraph  
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
17 the Criminal Code of 1961 or the Criminal Code of 2012  
18 relating to unlawful use of weapons, in which case the  
19 suspension shall be for one year;

20 23. Has, as a driver, been convicted of committing a  
21 violation of paragraph (a) of Section 11-502 of this Code  
22 for a second or subsequent time within one year of a  
23 similar violation;

24 24. Has been convicted by a court-martial or punished  
25 by non-judicial punishment by military authorities of the  
26 United States at a military installation in Illinois or in

1 another state of or for a traffic-related offense that is  
2 the same as or similar to an offense specified under  
3 Section 6-205 or 6-206 of this Code;

4 25. Has permitted any form of identification to be  
5 used by another in the application process in order to  
6 obtain or attempt to obtain a license, identification  
7 card, or permit;

8 26. Has altered or attempted to alter a license or has  
9 possessed an altered license, identification card, or  
10 permit;

11 27. (Blank);

12 28. Has been convicted for a first time of the illegal  
13 possession, while operating or in actual physical control,  
14 as a driver, of a motor vehicle, of any controlled  
15 substance prohibited under the Illinois Controlled  
16 Substances Act, any cannabis prohibited under the Cannabis  
17 Control Act, or any methamphetamine prohibited under the  
18 Methamphetamine Control and Community Protection Act, in  
19 which case the person's driving privileges shall be  
20 suspended for one year. Any defendant found guilty of this  
21 offense while operating a motor vehicle shall have an  
22 entry made in the court record by the presiding judge that  
23 this offense did occur while the defendant was operating a  
24 motor vehicle and order the clerk of the court to report  
25 the violation to the Secretary of State;

26 29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual  
2 physical control, as a driver, of a motor vehicle:  
3 criminal sexual assault, predatory criminal sexual assault  
4 of a child, aggravated criminal sexual assault, criminal  
5 sexual abuse, aggravated criminal sexual abuse, juvenile  
6 pimping, soliciting for a juvenile prostitute, promoting  
7 juvenile prostitution as described in subdivision (a)(1),  
8 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code  
9 of 1961 or the Criminal Code of 2012, and the manufacture,  
10 sale or delivery of controlled substances or instruments  
11 used for illegal drug use or abuse in which case the  
12 driver's driving privileges shall be suspended for one  
13 year;

14 30. Has been convicted a second or subsequent time for  
15 any combination of the offenses named in paragraph 29 of  
16 this subsection, in which case the person's driving  
17 privileges shall be suspended for 5 years;

18 31. Has refused to submit to a test as required by  
19 Section 11-501.6 of this Code or Section 5-16c of the Boat  
20 Registration and Safety Act or has submitted to a test  
21 resulting in an alcohol concentration of 0.08 or more or  
22 any amount of a drug, substance, or compound resulting  
23 from the unlawful use or consumption of cannabis as listed  
24 in the Cannabis Control Act, a controlled substance as  
25 listed in the Illinois Controlled Substances Act, an  
26 intoxicating compound as listed in the Use of Intoxicating

1           Compounds Act, or methamphetamine as listed in the  
2           Methamphetamine Control and Community Protection Act, in  
3           which case the penalty shall be as prescribed in Section  
4           6-208.1;

5           32. Has been convicted of Section 24-1.2 of the  
6           Criminal Code of 1961 or the Criminal Code of 2012  
7           relating to the aggravated discharge of a firearm if the  
8           offender was located in a motor vehicle at the time the  
9           firearm was discharged, in which case the suspension shall  
10          be for 3 years;

11          33. Has as a driver, who was less than 21 years of age  
12          on the date of the offense, been convicted a first time of  
13          a violation of paragraph (a) of Section 11-502 of this  
14          Code or a similar provision of a local ordinance;

15          34. Has committed a violation of Section 11-1301.5 of  
16          this Code or a similar provision of a local ordinance;

17          35. Has committed a violation of Section 11-1301.6 of  
18          this Code or a similar provision of a local ordinance;

19          36. Is under the age of 21 years at the time of arrest  
20          and has been convicted of not less than 2 offenses against  
21          traffic regulations governing the movement of vehicles  
22          committed within any 24-month period. No revocation or  
23          suspension shall be entered more than 6 months after the  
24          date of last conviction;

25          37. Has committed a violation of subsection (c) of  
26          Section 11-907 of this Code that resulted in damage to the



1 property of another or the death or injury of another;

2 38. Has been convicted of a violation of Section 6-20  
3 of the Liquor Control Act of 1934 or a similar provision of  
4 a local ordinance and the person was an occupant of a motor  
5 vehicle at the time of the violation;

6 39. Has committed a second or subsequent violation of  
7 Section 11-1201 of this Code;

8 40. Has committed a violation of subsection (a-1) of  
9 Section 11-908 of this Code;

10 41. Has committed a second or subsequent violation of  
11 Section 11-605.1 of this Code, a similar provision of a  
12 local ordinance, or a similar violation in any other state  
13 within 2 years of the date of the previous violation, in  
14 which case the suspension shall be for 90 days;

15 42. Has committed a violation of subsection (a-1) of  
16 Section 11-1301.3 of this Code or a similar provision of a  
17 local ordinance;

18 43. Has received a disposition of court supervision  
19 for a violation of subsection (a), (d), or (e) of Section  
20 6-20 of the Liquor Control Act of 1934 or a similar  
21 provision of a local ordinance and the person was an  
22 occupant of a motor vehicle at the time of the violation,  
23 in which case the suspension shall be for a period of 3  
24 months;

25 44. Is under the age of 21 years at the time of arrest  
26 and has been convicted of an offense against traffic

1 regulations governing the movement of vehicles after  
2 having previously had his or her driving privileges  
3 suspended or revoked pursuant to subparagraph 36 of this  
4 Section;

5 45. Has, in connection with or during the course of a  
6 formal hearing conducted under Section 2-118 of this Code:

7 (i) committed perjury; (ii) submitted fraudulent or  
8 falsified documents; (iii) submitted documents that have  
9 been materially altered; or (iv) submitted, as his or her  
10 own, documents that were in fact prepared or composed for  
11 another person;

12 46. Has committed a violation of subsection (j) of  
13 Section 3-413 of this Code;

14 47. Has committed a violation of subsection (a) of  
15 Section 11-502.1 of this Code;

16 48. Has submitted a falsified or altered medical  
17 examiner's certificate to the Secretary of State or  
18 provided false information to obtain a medical examiner's  
19 certificate;

20 49. Has been convicted of a violation of Section  
21 11-1002 or 11-1002.5 that resulted in a Type A injury to  
22 another, in which case the driving privileges of the  
23 person shall be suspended for 12 months; or

24 50. Has committed a violation of subsection (b-5) of  
25 Section 12-610.2 that resulted in great bodily harm,  
26 permanent disability, or disfigurement, in which case the

1 driving privileges of the person shall be suspended for 12  
2 months. ~~or 50~~

3 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
4 and 27 of this subsection, license means any driver's license,  
5 any traffic ticket issued when the person's driver's license  
6 is deposited in lieu of bail, a suspension notice issued by the  
7 Secretary of State, a duplicate or corrected driver's license,  
8 a probationary driver's license, or a temporary driver's  
9 license.

10 (b) If any conviction forming the basis of a suspension or  
11 revocation authorized under this Section is appealed, the  
12 Secretary of State may rescind or withhold the entry of the  
13 order of suspension or revocation, as the case may be,  
14 provided that a certified copy of a stay order of a court is  
15 filed with the Secretary of State. If the conviction is  
16 affirmed on appeal, the date of the conviction shall relate  
17 back to the time the original judgment of conviction was  
18 entered and the 6-month limitation prescribed shall not apply.

19 (c) 1. Upon suspending or revoking the driver's license or  
20 permit of any person as authorized in this Section, the  
21 Secretary of State shall immediately notify the person in  
22 writing of the revocation or suspension. The notice to be  
23 deposited in the United States mail, postage prepaid, to the  
24 last known address of the person.

25 2. If the Secretary of State suspends the driver's license  
26 of a person under subsection 2 of paragraph (a) of this

1 Section, a person's privilege to operate a vehicle as an  
2 occupation shall not be suspended, provided an affidavit is  
3 properly completed, the appropriate fee received, and a permit  
4 issued prior to the effective date of the suspension, unless 5  
5 offenses were committed, at least 2 of which occurred while  
6 operating a commercial vehicle in connection with the driver's  
7 regular occupation. All other driving privileges shall be  
8 suspended by the Secretary of State. Any driver prior to  
9 operating a vehicle for occupational purposes only must submit  
10 the affidavit on forms to be provided by the Secretary of State  
11 setting forth the facts of the person's occupation. The  
12 affidavit shall also state the number of offenses committed  
13 while operating a vehicle in connection with the driver's  
14 regular occupation. The affidavit shall be accompanied by the  
15 driver's license. Upon receipt of a properly completed  
16 affidavit, the Secretary of State shall issue the driver a  
17 permit to operate a vehicle in connection with the driver's  
18 regular occupation only. Unless the permit is issued by the  
19 Secretary of State prior to the date of suspension, the  
20 privilege to drive any motor vehicle shall be suspended as set  
21 forth in the notice that was mailed under this Section. If an  
22 affidavit is received subsequent to the effective date of this  
23 suspension, a permit may be issued for the remainder of the  
24 suspension period.

25 The provisions of this subparagraph shall not apply to any  
26 driver required to possess a CDL for the purpose of operating a

1 commercial motor vehicle.

2 Any person who falsely states any fact in the affidavit  
3 required herein shall be guilty of perjury under Section 6-302  
4 and upon conviction thereof shall have all driving privileges  
5 revoked without further rights.

6 3. At the conclusion of a hearing under Section 2-118 of  
7 this Code, the Secretary of State shall either rescind or  
8 continue an order of revocation or shall substitute an order  
9 of suspension; or, good cause appearing therefor, rescind,  
10 continue, change, or extend the order of suspension. If the  
11 Secretary of State does not rescind the order, the Secretary  
12 may upon application, to relieve undue hardship (as defined by  
13 the rules of the Secretary of State), issue a restricted  
14 driving permit granting the privilege of driving a motor  
15 vehicle between the petitioner's residence and petitioner's  
16 place of employment or within the scope of the petitioner's  
17 employment-related duties, or to allow the petitioner to  
18 transport himself or herself, or a family member of the  
19 petitioner's household to a medical facility, to receive  
20 necessary medical care, to allow the petitioner to transport  
21 himself or herself to and from alcohol or drug remedial or  
22 rehabilitative activity recommended by a licensed service  
23 provider, or to allow the petitioner to transport himself or  
24 herself or a family member of the petitioner's household to  
25 classes, as a student, at an accredited educational  
26 institution, or to allow the petitioner to transport children,

1 elderly persons, or persons with disabilities who do not hold  
2 driving privileges and are living in the petitioner's  
3 household to and from daycare. The petitioner must demonstrate  
4 that no alternative means of transportation is reasonably  
5 available and that the petitioner will not endanger the public  
6 safety or welfare.

7 (A) If a person's license or permit is revoked or  
8 suspended due to 2 or more convictions of violating  
9 Section 11-501 of this Code or a similar provision of a  
10 local ordinance or a similar out-of-state offense, or  
11 Section 9-3 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012, where the use of alcohol or other drugs is  
13 recited as an element of the offense, or a similar  
14 out-of-state offense, or a combination of these offenses,  
15 arising out of separate occurrences, that person, if  
16 issued a restricted driving permit, may not operate a  
17 vehicle unless it has been equipped with an ignition  
18 interlock device as defined in Section 1-129.1.

19 (B) If a person's license or permit is revoked or  
20 suspended 2 or more times due to any combination of:

21 (i) a single conviction of violating Section  
22 11-501 of this Code or a similar provision of a local  
23 ordinance or a similar out-of-state offense or Section  
24 9-3 of the Criminal Code of 1961 or the Criminal Code  
25 of 2012, where the use of alcohol or other drugs is  
26 recited as an element of the offense, or a similar

1 out-of-state offense; or  
2 (ii) a statutory summary suspension or revocation  
3 under Section 11-501.1; or  
4 (iii) a suspension under Section 6-203.1;  
5 arising out of separate occurrences; that person, if  
6 issued a restricted driving permit, may not operate a  
7 vehicle unless it has been equipped with an ignition  
8 interlock device as defined in Section 1-129.1.

9 (B-5) If a person's license or permit is revoked or  
10 suspended due to a conviction for a violation of  
11 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
12 of Section 11-501 of this Code, or a similar provision of a  
13 local ordinance or similar out-of-state offense, that  
14 person, if issued a restricted driving permit, may not  
15 operate a vehicle unless it has been equipped with an  
16 ignition interlock device as defined in Section 1-129.1.

17 (C) The person issued a permit conditioned upon the  
18 use of an ignition interlock device must pay to the  
19 Secretary of State DUI Administration Fund an amount not  
20 to exceed \$30 per month. The Secretary shall establish by  
21 rule the amount and the procedures, terms, and conditions  
22 relating to these fees.

23 (D) If the restricted driving permit is issued for  
24 employment purposes, then the prohibition against  
25 operating a motor vehicle that is not equipped with an  
26 ignition interlock device does not apply to the operation

1 of an occupational vehicle owned or leased by that  
2 person's employer when used solely for employment  
3 purposes. For any person who, within a 5-year period, is  
4 convicted of a second or subsequent offense under Section  
5 11-501 of this Code, or a similar provision of a local  
6 ordinance or similar out-of-state offense, this employment  
7 exemption does not apply until either a one-year period  
8 has elapsed during which that person had his or her  
9 driving privileges revoked or a one-year period has  
10 elapsed during which that person had a restricted driving  
11 permit which required the use of an ignition interlock  
12 device on every motor vehicle owned or operated by that  
13 person.

14 (E) In each case the Secretary may issue a restricted  
15 driving permit for a period deemed appropriate, except  
16 that all permits shall expire no later than 2 years from  
17 the date of issuance. A restricted driving permit issued  
18 under this Section shall be subject to cancellation,  
19 revocation, and suspension by the Secretary of State in  
20 like manner and for like cause as a driver's license  
21 issued under this Code may be cancelled, revoked, or  
22 suspended; except that a conviction upon one or more  
23 offenses against laws or ordinances regulating the  
24 movement of traffic shall be deemed sufficient cause for  
25 the revocation, suspension, or cancellation of a  
26 restricted driving permit. The Secretary of State may, as



1 a condition to the issuance of a restricted driving  
2 permit, require the applicant to participate in a  
3 designated driver remedial or rehabilitative program. The  
4 Secretary of State is authorized to cancel a restricted  
5 driving permit if the permit holder does not successfully  
6 complete the program.

7 (F) A person subject to the provisions of paragraph 4  
8 of subsection (b) of Section 6-208 of this Code may make  
9 application for a restricted driving permit at a hearing  
10 conducted under Section 2-118 of this Code after the  
11 expiration of 5 years from the effective date of the most  
12 recent revocation or after 5 years from the date of  
13 release from a period of imprisonment resulting from a  
14 conviction of the most recent offense, whichever is later,  
15 provided the person, in addition to all other requirements  
16 of the Secretary, shows by clear and convincing evidence:

17 (i) a minimum of 3 years of uninterrupted  
18 abstinence from alcohol and the unlawful use or  
19 consumption of cannabis under the Cannabis Control  
20 Act, a controlled substance under the Illinois  
21 Controlled Substances Act, an intoxicating compound  
22 under the Use of Intoxicating Compounds Act, or  
23 methamphetamine under the Methamphetamine Control and  
24 Community Protection Act; and

25 (ii) the successful completion of any  
26 rehabilitative treatment and involvement in any

1           ongoing rehabilitative activity that may be  
2           recommended by a properly licensed service provider  
3           according to an assessment of the person's alcohol or  
4           drug use under Section 11-501.01 of this Code.

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

16          A restricted driving permit issued under this  
17          subparagraph (F) shall provide that the holder may only  
18          operate motor vehicles equipped with an ignition interlock  
19          device as required under paragraph (2) of subsection (c)  
20          of Section 6-205 of this Code and subparagraph (A) of  
21          paragraph 3 of subsection (c) of this Section. The  
22          Secretary may revoke a restricted driving permit or amend  
23          the conditions of a restricted driving permit issued under  
24          this subparagraph (F) if the holder operates a vehicle  
25          that is not equipped with an ignition interlock device, or  
26          for any other reason authorized under this Code.

1           A restricted driving permit issued under this  
2           subparagraph (F) shall be revoked, and the holder barred  
3           from applying for or being issued a restricted driving  
4           permit in the future, if the holder is convicted of a  
5           violation of Section 11-501 of this Code, a similar  
6           provision of a local ordinance, or a similar offense in  
7           another state.

8           (c-3) In the case of a suspension under paragraph 43 of  
9           subsection (a), reports received by the Secretary of State  
10          under this Section shall, except during the actual time the  
11          suspension is in effect, be privileged information and for use  
12          only by the courts, police officers, prosecuting authorities,  
13          the driver licensing administrator of any other state, the  
14          Secretary of State, or the parent or legal guardian of a driver  
15          under the age of 18. However, beginning January 1, 2008, if the  
16          person is a CDL holder, the suspension shall also be made  
17          available to the driver licensing administrator of any other  
18          state, the U.S. Department of Transportation, and the affected  
19          driver or motor carrier or prospective motor carrier upon  
20          request.

21          (c-4) In the case of a suspension under paragraph 43 of  
22          subsection (a), the Secretary of State shall notify the person  
23          by mail that his or her driving privileges and driver's  
24          license will be suspended one month after the date of the  
25          mailing of the notice.

26          (c-5) The Secretary of State may, as a condition of the

1 reissuance of a driver's license or permit to an applicant  
2 whose driver's license or permit has been suspended before he  
3 or she reached the age of 21 years pursuant to any of the  
4 provisions of this Section, require the applicant to  
5 participate in a driver remedial education course and be  
6 retested under Section 6-109 of this Code.

7 (d) This Section is subject to the provisions of the  
8 Driver License Compact.

9 (e) The Secretary of State shall not issue a restricted  
10 driving permit to a person under the age of 16 years whose  
11 driving privileges have been suspended or revoked under any  
12 provisions of this Code.

13 (f) In accordance with 49 C.F.R. 384, the Secretary of  
14 State may not issue a restricted driving permit for the  
15 operation of a commercial motor vehicle to a person holding a  
16 CDL whose driving privileges have been suspended, revoked,  
17 cancelled, or disqualified under any provisions of this Code.

18 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;  
19 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.  
20 8-6-21; 102-558, eff. 8-20-21; revised 10-28-21.)

21 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

22 Sec. 6-208.1. Period of statutory summary alcohol, other  
23 drug, or intoxicating compound related suspension or  
24 revocation.

25 (a) Unless the statutory summary suspension has been

1 rescinded, any person whose privilege to drive a motor vehicle  
2 on the public highways has been summarily suspended, pursuant  
3 to Section 11-501.1, shall not be eligible for restoration of  
4 the privilege until the expiration of:

5 1. twelve months from the effective date of the  
6 statutory summary suspension for a refusal or failure to  
7 complete a test or tests to determine the alcohol, other  
8 drug, or intoxicating compound concentration under Section  
9 11-501.1, if the person was not involved in a motor  
10 vehicle crash ~~accident~~ that caused personal injury or  
11 death to another; or

12 2. six months from the effective date of the statutory  
13 summary suspension imposed following the person's  
14 submission to a chemical test which disclosed an alcohol  
15 concentration of 0.08 or more, the presence of cannabis as  
16 listed in the Cannabis Control Act with a  
17 tetrahydrocannabinol concentration as defined in paragraph  
18 6 of subsection (a) of Section 11-501.2 of this Code, or  
19 any amount of a drug, substance, or intoxicating compound  
20 in such person's breath, blood, other bodily substance, or  
21 urine resulting from the unlawful use or consumption of a  
22 controlled substance listed in the Illinois Controlled  
23 Substances Act, an intoxicating compound listed in the Use  
24 of Intoxicating Compounds Act, or methamphetamine as  
25 listed in the Methamphetamine Control and Community  
26 Protection Act, pursuant to Section 11-501.1; or

1           3. three years from the effective date of the  
2 statutory summary suspension for any person other than a  
3 first offender who refuses or fails to complete a test or  
4 tests to determine the alcohol, drug, or intoxicating  
5 compound concentration pursuant to Section 11-501.1; or

6           4. one year from the effective date of the summary  
7 suspension imposed for any person other than a first  
8 offender following submission to a chemical test which  
9 disclosed an alcohol concentration of 0.08 or more  
10 pursuant to Section 11-501.1, the presence of cannabis as  
11 listed in the Cannabis Control Act with a  
12 tetrahydrocannabinol concentration as defined in paragraph  
13 6 of subsection (a) of Section 11-501.2 of this Code, or  
14 any amount of a drug, substance or compound in such  
15 person's blood, other bodily substance, or urine resulting  
16 from the unlawful use or consumption of a controlled  
17 substance listed in the Illinois Controlled Substances  
18 Act, an intoxicating compound listed in the Use of  
19 Intoxicating Compounds Act, or methamphetamine as listed  
20 in the Methamphetamine Control and Community Protection  
21 Act; or

22           5. (Blank).

23           (b) Following a statutory summary suspension of the  
24 privilege to drive a motor vehicle under Section 11-501.1,  
25 driving privileges shall be restored unless the person is  
26 otherwise suspended, revoked, or cancelled by this Code. If

1 the court has reason to believe that the person's driving  
2 privilege should not be restored, the court shall notify the  
3 Secretary of State prior to the expiration of the statutory  
4 summary suspension so appropriate action may be taken pursuant  
5 to this Code.

6 (c) Driving privileges may not be restored until all  
7 applicable reinstatement fees, as provided by this Code, have  
8 been paid to the Secretary of State and the appropriate entry  
9 made to the driver's record.

10 (d) Where a driving privilege has been summarily suspended  
11 or revoked under Section 11-501.1 and the person is  
12 subsequently convicted of violating Section 11-501, or a  
13 similar provision of a local ordinance, for the same incident,  
14 any period served on statutory summary suspension or  
15 revocation shall be credited toward the minimum period of  
16 revocation of driving privileges imposed pursuant to Section  
17 6-205.

18 (e) A first offender who refused chemical testing and  
19 whose driving privileges were summarily revoked pursuant to  
20 Section 11-501.1 shall not be eligible for a monitoring device  
21 driving permit, but may make application for reinstatement or  
22 for a restricted driving permit after a period of one year has  
23 elapsed from the effective date of the revocation.

24 (f) (Blank).

25 (g) (Blank).

26 (h) (Blank).

1 (Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14;  
2 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16; 99-697, eff.  
3 7-29-16.)

4 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

7 (a) Except as otherwise provided in subsection (a-5) or  
8 (a-7), any person who drives or is in actual physical control  
9 of a motor vehicle on any highway of this State at a time when  
10 such person's driver's license, permit, or privilege to do so  
11 or the privilege to obtain a driver's license or permit is  
12 revoked or suspended as provided by this Code or the law of  
13 another state, except as may be specifically allowed by a  
14 judicial driving permit issued prior to January 1, 2009,  
15 monitoring device driving permit, family financial  
16 responsibility driving permit, probationary license to drive,  
17 or a restricted driving permit issued pursuant to this Code or  
18 under the law of another state, shall be guilty of a Class A  
19 misdemeanor.

20 (a-3) A second or subsequent violation of subsection (a)  
21 of this Section is a Class 4 felony if committed by a person  
22 whose driving or operation of a motor vehicle is the proximate  
23 cause of a motor vehicle crash ~~accident~~ that causes personal  
24 injury or death to another. For purposes of this subsection, a  
25 personal injury includes any Type A injury as indicated on the



1 traffic crash ~~accident~~ report completed by a law enforcement  
2 officer that requires immediate professional attention in  
3 either a doctor's office or a medical facility. A Type A injury  
4 includes severe bleeding wounds, distorted extremities, and  
5 injuries that require the injured party to be carried from the  
6 scene.

7 (a-5) Any person who violates this Section as provided in  
8 subsection (a) while his or her driver's license, permit, or  
9 privilege is revoked because of a violation of Section 9-3 of  
10 the Criminal Code of 1961 or the Criminal Code of 2012,  
11 relating to the offense of reckless homicide, or a violation  
12 of subparagraph (F) of paragraph (1) of subsection (d) of  
13 Section 11-501 of this Code, relating to the offense of  
14 aggravated driving under the influence of alcohol, other drug  
15 or drugs, or intoxicating compound or compounds, or any  
16 combination thereof when the violation was a proximate cause  
17 of a death, or a similar provision of a law of another state,  
18 is guilty of a Class 4 felony. The person shall be required to  
19 undergo a professional evaluation, as provided in Section  
20 11-501 of this Code, to determine if an alcohol, drug, or  
21 intoxicating compound problem exists and the extent of the  
22 problem, and to undergo the imposition of treatment as  
23 appropriate.

24 (a-7) Any person who violates this Section as provided in  
25 subsection (a) while his or her driver's license or privilege  
26 to drive is suspended under Section 6-306.5 or 7-702 of this

1 Code shall receive a Uniform Traffic Citation from the law  
2 enforcement officer. A person who receives 3 or more Uniform  
3 Traffic Citations under this subsection (a-7) without paying  
4 any fees associated with the citations shall be guilty of a  
5 Class A misdemeanor.

6 (a-10) A person's driver's license, permit, or privilege  
7 to obtain a driver's license or permit may be subject to  
8 multiple revocations, multiple suspensions, or any combination  
9 of both simultaneously. No revocation or suspension shall  
10 serve to negate, invalidate, cancel, postpone, or in any way  
11 lessen the effect of any other revocation or suspension  
12 entered prior or subsequent to any other revocation or  
13 suspension.

14 (b) (Blank).

15 (b-1) Except for a person under subsection (a-7) of this  
16 Section, upon receiving a report of the conviction of any  
17 violation indicating a person was operating a motor vehicle  
18 during the time when the person's driver's license, permit, or  
19 privilege was suspended by the Secretary of State or the  
20 driver's licensing administrator of another state, except as  
21 specifically allowed by a probationary license, judicial  
22 driving permit, restricted driving permit, or monitoring  
23 device driving permit, the Secretary shall extend the  
24 suspension for the same period of time as the originally  
25 imposed suspension unless the suspension has already expired,  
26 in which case the Secretary shall be authorized to suspend the

1 person's driving privileges for the same period of time as the  
2 originally imposed suspension.

3 (b-2) Except as provided in subsection (b-6) or (a-7),  
4 upon receiving a report of the conviction of any violation  
5 indicating a person was operating a motor vehicle when the  
6 person's driver's license, permit, or privilege was revoked by  
7 the Secretary of State or the driver's license administrator  
8 of any other state, except as specifically allowed by a  
9 restricted driving permit issued pursuant to this Code or the  
10 law of another state, the Secretary shall not issue a driver's  
11 license for an additional period of one year from the date of  
12 such conviction indicating such person was operating a vehicle  
13 during such period of revocation.

14 (b-3) (Blank).

15 (b-4) When the Secretary of State receives a report of a  
16 conviction of any violation indicating a person was operating  
17 a motor vehicle that was not equipped with an ignition  
18 interlock device during a time when the person was prohibited  
19 from operating a motor vehicle not equipped with such a  
20 device, the Secretary shall not issue a driver's license to  
21 that person for an additional period of one year from the date  
22 of the conviction.

23 (b-5) Any person convicted of violating this Section shall  
24 serve a minimum term of imprisonment of 30 consecutive days or  
25 300 hours of community service when the person's driving  
26 privilege was revoked or suspended as a result of a violation

1 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012, relating to the offense of reckless homicide, or  
3 a violation of subparagraph (F) of paragraph (1) of subsection  
4 (d) of Section 11-501 of this Code, relating to the offense of  
5 aggravated driving under the influence of alcohol, other drug  
6 or drugs, or intoxicating compound or compounds, or any  
7 combination thereof when the violation was a proximate cause  
8 of a death, or a similar provision of a law of another state.  
9 The court may give credit toward the fulfillment of community  
10 service hours for participation in activities and treatment as  
11 determined by court services.

12 (b-6) Upon receiving a report of a first conviction of  
13 operating a motor vehicle while the person's driver's license,  
14 permit, or privilege was revoked where the revocation was for  
15 a violation of Section 9-3 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 relating to the offense of reckless  
17 homicide, or a violation of subparagraph (F) of paragraph (1)  
18 of subsection (d) of Section 11-501 of this Code, relating to  
19 the offense of aggravated driving under the influence of  
20 alcohol, other drug or drugs, or intoxicating compound or  
21 compounds, or any combination thereof when the violation was a  
22 proximate cause of a death, or a similar out-of-state offense,  
23 the Secretary shall not issue a driver's license for an  
24 additional period of 3 years from the date of such conviction.

25 (c) Except as provided in subsections (c-3) and (c-4), any  
26 person convicted of violating this Section shall serve a

1 minimum term of imprisonment of 10 consecutive days or 30 days  
2 of community service when the person's driving privilege was  
3 revoked or suspended as a result of:

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

9 (2) a violation of paragraph (b) of Section 11-401 of  
10 this Code or a similar provision of a local ordinance  
11 relating to the offense of leaving the scene of a motor  
12 vehicle crash ~~accident~~ involving personal injury or death;  
13 or

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

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

18 (c-1) Except as provided in subsections (a-7), (c-5), and  
19 (d), any person convicted of a second violation of this  
20 Section shall be ordered by the court to serve a minimum of 100  
21 hours of community service. The court may give credit toward  
22 the fulfillment of community service hours for participation  
23 in activities and treatment as determined by court services.

24 (c-2) In addition to other penalties imposed under this  
25 Section, the court may impose on any person convicted a fourth  
26 time of violating this Section any of the following:

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

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

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

10          (c-4) Any person who has been issued a monitoring device  
11          driving permit or a restricted driving permit which requires  
12          the person to operate only motor vehicles equipped with an  
13          ignition interlock device and who is convicted of a violation  
14          of this Section as a result of operating or being in actual  
15          physical control of a motor vehicle not equipped with an  
16          ignition interlock device at the time of the offense shall be  
17          guilty of a Class 4 felony and shall serve a minimum term of  
18          imprisonment of 30 days.

19          (c-5) Any person convicted of a second violation of this  
20          Section is guilty of a Class 2 felony, is not eligible for  
21          probation or conditional discharge, and shall serve a  
22          mandatory term of imprisonment, if:

23                (1) the current violation occurred when the person's  
24                driver's license was suspended or revoked for a violation  
25                of Section 9-3 of the Criminal Code of 1961 or the Criminal  
26                Code of 2012, relating to the offense of reckless

1 homicide, or a violation of subparagraph (F) of paragraph  
2 (1) of subsection (d) of Section 11-501 of this Code,  
3 relating to the offense of aggravated driving under the  
4 influence of alcohol, other drug or drugs, or intoxicating  
5 compound or compounds, or any combination thereof when the  
6 violation was a proximate cause of a death, or a similar  
7 out-of-state offense; and

8 (2) the prior conviction under this Section occurred  
9 while the person's driver's license was suspended or  
10 revoked for a violation of Section 9-3 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 relating to the  
12 offense of reckless homicide, or a violation of  
13 subparagraph (F) of paragraph (1) of subsection (d) of  
14 Section 11-501 of this Code, relating to the offense of  
15 aggravated driving under the influence of alcohol, other  
16 drug or drugs, or intoxicating compound or compounds, or  
17 any combination thereof when the violation was a proximate  
18 cause of a death, or a similar out-of-state offense, or  
19 was suspended or revoked for a violation of Section 11-401  
20 or 11-501 of this Code, a similar out-of-state offense, a  
21 similar provision of a local ordinance, or a statutory  
22 summary suspension or revocation under Section 11-501.1 of  
23 this Code.

24 (d) Any person convicted of a second violation of this  
25 Section shall be guilty of a Class 4 felony and shall serve a  
26 minimum term of imprisonment of 30 days or 300 hours of

1 community service, as determined by the court, if:

2 (1) the current violation occurred when the person's  
3 driver's license was suspended or revoked for a violation  
4 of Section 11-401 or 11-501 of this Code, a similar  
5 out-of-state offense, a similar provision of a local  
6 ordinance, or a statutory summary suspension or revocation  
7 under Section 11-501.1 of this Code; and

8 (2) the prior conviction under this Section occurred  
9 while the person's driver's license was suspended or  
10 revoked for a violation of Section 11-401 or 11-501 of  
11 this Code, a similar out-of-state offense, a similar  
12 provision of a local ordinance, or a statutory summary  
13 suspension or revocation under Section 11-501.1 of this  
14 Code, or for a violation of Section 9-3 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012, relating to the  
16 offense of reckless homicide, or a violation of  
17 subparagraph (F) of paragraph (1) of subsection (d) of  
18 Section 11-501 of this Code, relating to the offense of  
19 aggravated driving under the influence of alcohol, other  
20 drug or drugs, or intoxicating compound or compounds, or  
21 any combination thereof when the violation was a proximate  
22 cause of a death, or a similar out-of-state offense.

23 The court may give credit toward the fulfillment of  
24 community service hours for participation in activities and  
25 treatment as determined by court services.

26 (d-1) Except as provided in subsections (a-7), (d-2),



1 (d-2.5), and (d-3), any person convicted of a third or  
2 subsequent violation of this Section shall serve a minimum  
3 term of imprisonment of 30 days or 300 hours of community  
4 service, as determined by the court. The court may give credit  
5 toward the fulfillment of community service hours for  
6 participation in activities and treatment as determined by  
7 court services.

8 (d-2) Any person convicted of a third violation of this  
9 Section is guilty of a Class 4 felony and must serve a minimum  
10 term of imprisonment of 30 days, if:

11 (1) the current violation occurred when the person's  
12 driver's license was suspended or revoked for a violation  
13 of Section 11-401 or 11-501 of this Code, or a similar  
14 out-of-state offense, or a similar provision of a local  
15 ordinance, or a statutory summary suspension or revocation  
16 under Section 11-501.1 of this Code; and

17 (2) the prior convictions under this Section occurred  
18 while the person's driver's license was suspended or  
19 revoked for a violation of Section 11-401 or 11-501 of  
20 this Code, a similar out-of-state offense, a similar  
21 provision of a local ordinance, or a statutory summary  
22 suspension or revocation under Section 11-501.1 of this  
23 Code, or for a violation of Section 9-3 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012, relating to the  
25 offense of reckless homicide, or a violation of  
26 subparagraph (F) of paragraph (1) of subsection (d) of

1 Section 11-501 of this Code, relating to the offense of  
2 aggravated driving under the influence of alcohol, other  
3 drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof when the violation was a proximate  
5 cause of a death, or a similar out-of-state offense.

6 (d-2.5) Any person convicted of a third violation of this  
7 Section is guilty of a Class 1 felony, is not eligible for  
8 probation or conditional discharge, and must serve a mandatory  
9 term of imprisonment, if:

10 (1) the current violation occurred while the person's  
11 driver's license was suspended or revoked for a violation  
12 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012, relating to the offense of reckless  
14 homicide, or a violation of subparagraph (F) of paragraph  
15 (1) of subsection (d) of Section 11-501 of this Code,  
16 relating to the offense of aggravated driving under the  
17 influence of alcohol, other drug or drugs, or intoxicating  
18 compound or compounds, or any combination thereof when the  
19 violation was a proximate cause of a death, or a similar  
20 out-of-state offense. The person's driving privileges  
21 shall be revoked for the remainder of the person's life;  
22 and

23 (2) the prior convictions under this Section occurred  
24 while the person's driver's license was suspended or  
25 revoked for a violation of Section 9-3 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012, relating to the

1 offense of reckless homicide, or a violation of  
2 subparagraph (F) of paragraph (1) of subsection (d) of  
3 Section 11-501 of this Code, relating to the offense of  
4 aggravated driving under the influence of alcohol, other  
5 drug or drugs, or intoxicating compound or compounds, or  
6 any combination thereof when the violation was a proximate  
7 cause of a death, or a similar out-of-state offense, or  
8 was suspended or revoked for a violation of Section 11-401  
9 or 11-501 of this Code, a similar out-of-state offense, a  
10 similar provision of a local ordinance, or a statutory  
11 summary suspension or revocation under Section 11-501.1 of  
12 this Code.

13 (d-3) Any person convicted of a fourth, fifth, sixth,  
14 seventh, eighth, or ninth violation of this Section is guilty  
15 of a Class 4 felony and must serve a minimum term of  
16 imprisonment of 180 days, if:

17 (1) the current violation occurred when the person's  
18 driver's license was suspended or revoked for a violation  
19 of Section 11-401 or 11-501 of this Code, a similar  
20 out-of-state offense, a similar provision of a local  
21 ordinance, or a statutory summary suspension or revocation  
22 under Section 11-501.1 of this Code; and

23 (2) the prior convictions under this Section occurred  
24 while the person's driver's license was suspended or  
25 revoked for a violation of Section 11-401 or 11-501 of  
26 this Code, a similar out-of-state offense, a similar

1 provision of a local ordinance, or a statutory summary  
2 suspension or revocation under Section 11-501.1 of this  
3 Code, or for a violation of Section 9-3 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012, relating to the  
5 offense of reckless homicide, or a violation of  
6 subparagraph (F) of paragraph (1) of subsection (d) of  
7 Section 11-501 of this Code, relating to the offense of  
8 aggravated driving under the influence of alcohol, other  
9 drug or drugs, or intoxicating compound or compounds, or  
10 any combination thereof when the violation was a proximate  
11 cause of a death, or a similar out-of-state offense.

12 (d-3.5) Any person convicted of a fourth or subsequent  
13 violation of this Section is guilty of a Class 1 felony, is not  
14 eligible for probation or conditional discharge, must serve a  
15 mandatory term of imprisonment, and is eligible for an  
16 extended term, if:

17 (1) the current violation occurred when the person's  
18 driver's license was suspended or revoked for a violation  
19 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012, relating to the offense of reckless  
21 homicide, or a violation of subparagraph (F) of paragraph  
22 (1) of subsection (d) of Section 11-501 of this Code,  
23 relating to the offense of aggravated driving under the  
24 influence of alcohol, other drug or drugs, or intoxicating  
25 compound or compounds, or any combination thereof when the  
26 violation was a proximate cause of a death, or a similar

1 out-of-state offense; and

2 (2) the prior convictions under this Section occurred  
3 while the person's driver's license was suspended or  
4 revoked for a violation of Section 9-3 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012, relating to the  
6 offense of reckless homicide, or a violation of  
7 subparagraph (F) of paragraph (1) of subsection (d) of  
8 Section 11-501 of this Code, relating to the offense of  
9 aggravated driving under the influence of alcohol, other  
10 drug or drugs, or intoxicating compound or compounds, or  
11 any combination thereof when the violation was a proximate  
12 cause of a death, or a similar out-of-state offense, or  
13 was suspended or revoked for a violation of Section 11-401  
14 or 11-501 of this Code, a similar out-of-state offense, a  
15 similar provision of a local ordinance, or a statutory  
16 summary suspension or revocation under Section 11-501.1 of  
17 this Code.

18 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
19 thirteenth, or fourteenth violation of this Section is guilty  
20 of a Class 3 felony, and is not eligible for probation or  
21 conditional discharge, if:

22 (1) the current violation occurred when the person's  
23 driver's license was suspended or revoked for a violation  
24 of Section 11-401 or 11-501 of this Code, or a similar  
25 out-of-state offense, or a similar provision of a local  
26 ordinance, or a statutory summary suspension or revocation

1 under Section 11-501.1 of this Code; and

2 (2) the prior convictions under this Section occurred  
3 while the person's driver's license was suspended or  
4 revoked for a violation of Section 11-401 or 11-501 of  
5 this Code, a similar out-of-state offense, a similar  
6 provision of a local ordinance, or a statutory suspension  
7 or revocation under Section 11-501.1 of this Code, or for  
8 a violation of Section 9-3 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012, relating to the offense of  
10 reckless homicide, or a violation of subparagraph (F) of  
11 paragraph (1) of subsection (d) of Section 11-501 of this  
12 Code, relating to the offense of aggravated driving under  
13 the influence of alcohol, other drug or drugs, or  
14 intoxicating compound or compounds, or any combination  
15 thereof when the violation was a proximate cause of a  
16 death, or a similar out-of-state offense.

17 (d-5) Any person convicted of a fifteenth or subsequent  
18 violation of this Section is guilty of a Class 2 felony, and is  
19 not eligible for probation or conditional discharge, if:

20 (1) the current violation occurred when the person's  
21 driver's license was suspended or revoked for a violation  
22 of Section 11-401 or 11-501 of this Code, or a similar  
23 out-of-state offense, or a similar provision of a local  
24 ordinance, or a statutory summary suspension or revocation  
25 under Section 11-501.1 of this Code; and

26 (2) the prior convictions under this Section occurred

1 while the person's driver's license was suspended or  
2 revoked for a violation of Section 11-401 or 11-501 of  
3 this Code, a similar out-of-state offense, a similar  
4 provision of a local ordinance, or a statutory summary  
5 suspension or revocation under Section 11-501.1 of this  
6 Code, or for a violation of Section 9-3 of the Criminal  
7 Code of 1961 or the Criminal Code of 2012, relating to the  
8 offense of reckless homicide, or a violation of  
9 subparagraph (F) of paragraph (1) of subsection (d) of  
10 Section 11-501 of this Code, relating to the offense of  
11 aggravated driving under the influence of alcohol, other  
12 drug or drugs, or intoxicating compound or compounds, or  
13 any combination thereof when the violation was a proximate  
14 cause of a death, or a similar out-of-state offense.

15 (e) Any person in violation of this Section who is also in  
16 violation of Section 7-601 of this Code relating to mandatory  
17 insurance requirements, in addition to other penalties imposed  
18 under this Section, shall have his or her motor vehicle  
19 immediately impounded by the arresting law enforcement  
20 officer. The motor vehicle may be released to any licensed  
21 driver upon a showing of proof of insurance for the vehicle  
22 that was impounded and the notarized written consent for the  
23 release by the vehicle owner.

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

1 (g) The motor vehicle used in a violation of this Section  
2 is subject to seizure and forfeiture as provided in Sections  
3 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
4 driving privilege was revoked or suspended as a result of:

5 (1) a violation of Section 11-501 of this Code, a  
6 similar provision of a local ordinance, or a similar  
7 provision of a law of another state;

8 (2) a violation of paragraph (b) of Section 11-401 of  
9 this Code, a similar provision of a local ordinance, or a  
10 similar provision of a law of another state;

11 (3) a statutory summary suspension or revocation under  
12 Section 11-501.1 of this Code or a similar provision of a  
13 law of another state; or

14 (4) a violation of Section 9-3 of the Criminal Code of  
15 1961 or the Criminal Code of 2012 relating to the offense  
16 of reckless homicide, or a violation of subparagraph (F)  
17 of paragraph (1) of subsection (d) of Section 11-501 of  
18 this Code, relating to the offense of aggravated driving  
19 under the influence of alcohol, other drug or drugs, or  
20 intoxicating compound or compounds, or any combination  
21 thereof when the violation was a proximate cause of a  
22 death, or a similar provision of a law of another state.

23 (Source: P.A. 100-149, eff. 1-1-18; 100-575, eff. 1-8-18;  
24 100-1004, eff. 1-1-19; 101-81, eff. 7-12-19.)

25 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)



1           Sec. 6-402. Qualifications of driver training schools. In  
2 order to qualify for a license to operate a driver training  
3 school, each applicant must:

4           (a) be of good moral character;

5           (b) be at least 21 years of age;

6           (c) maintain an established place of business open to  
7 the public which meets the requirements of Section 6-403  
8 through 6-407;

9           (d) maintain bodily injury and property damage  
10 liability insurance on motor vehicles while used in  
11 driving instruction, insuring the liability of the driving  
12 school, the driving instructors and any person taking  
13 instruction in at least the following amounts: \$50,000 for  
14 bodily injury to or death of one person in any one crash  
15 ~~accident~~ and, subject to said limit for one person,  
16 \$100,000 for bodily injury to or death of 2 or more persons  
17 in any one crash ~~accident~~ and the amount of \$10,000 for  
18 damage to property of others in any one crash ~~accident~~.  
19 Evidence of such insurance coverage in the form of a  
20 certificate from the insurance carrier shall be filed with  
21 the Secretary of State, and such certificate shall  
22 stipulate that the insurance shall not be cancelled except  
23 upon 10 days prior written notice to the Secretary of  
24 State. The decal showing evidence of insurance shall be  
25 affixed to the windshield of the vehicle;

26           (e) provide a continuous surety company bond in the

1 principal sum of \$10,000 for a non-accredited school,  
2 \$40,000 for a CDL or teenage accredited school, \$60,000  
3 for a CDL accredited and teenage accredited school,  
4 \$50,000 for a CDL or teenage accredited school with 3 or  
5 more licensed branches, \$70,000 for a CDL accredited and  
6 teenage accredited school with 3 or more licensed branches  
7 for the protection of the contractual rights of students  
8 in such form as will meet with the approval of the  
9 Secretary of State and written by a company authorized to  
10 do business in this State. However, the aggregate  
11 liability of the surety for all breaches of the condition  
12 of the bond in no event shall exceed the principal sum of  
13 \$10,000 for a non-accredited school, \$40,000 for a CDL or  
14 teenage accredited school, \$60,000 for a CDL accredited  
15 and teenage accredited school, \$50,000 for a CDL or  
16 teenage accredited school with 3 or more licensed  
17 branches, \$70,000 for a CDL accredited and teenage  
18 accredited school with 3 or more licensed branches. The  
19 surety on any such bond may cancel such bond on giving 30  
20 days notice thereof in writing to the Secretary of State  
21 and shall be relieved of liability for any breach of any  
22 conditions of the bond which occurs after the effective  
23 date of cancellation;

24 (f) have the equipment necessary to the giving of  
25 proper instruction in the operation of motor vehicles;

26 (g) have and use a business telephone listing for all

1 business purposes;

2 (h) pay to the Secretary of State an application fee  
3 of \$500 and \$50 for each branch application; and

4 (i) authorize an investigation to include a  
5 fingerprint based background check to determine if the  
6 applicant has ever been convicted of a crime and if so, the  
7 disposition of those convictions. The authorization shall  
8 indicate the scope of the inquiry and the agencies that  
9 may be contacted. Upon this authorization, the Secretary  
10 of State may request and receive information and  
11 assistance from any federal, State, or local governmental  
12 agency as part of the authorized investigation. Each  
13 applicant shall have his or her fingerprints submitted to  
14 the Illinois State Police in the form and manner  
15 prescribed by the Illinois State Police. The fingerprints  
16 shall be checked against the Illinois State Police and  
17 Federal Bureau of Investigation criminal history record  
18 information databases. The Illinois State Police shall  
19 charge a fee for conducting the criminal history records  
20 check, which shall be deposited in the State Police  
21 Services Fund and shall not exceed the actual cost of the  
22 records check. The applicant shall be required to pay all  
23 related fingerprint fees including, but not limited to,  
24 the amounts established by the Illinois State Police and  
25 the Federal Bureau of Investigation to process fingerprint  
26 based criminal background investigations. The Illinois

1 State Police shall provide information concerning any  
2 criminal convictions and disposition of criminal  
3 convictions brought against the applicant upon request of  
4 the Secretary of State provided that the request is made  
5 in the form and manner required by the Illinois State  
6 Police. Unless otherwise prohibited by law, the  
7 information derived from the investigation including the  
8 source of the information and any conclusions or  
9 recommendations derived from the information by the  
10 Secretary of State shall be provided to the applicant, or  
11 his designee, upon request to the Secretary of State,  
12 prior to any final action by the Secretary of State on the  
13 application. Any criminal convictions and disposition  
14 information obtained by the Secretary of State shall be  
15 confidential and may not be transmitted outside the Office  
16 of the Secretary of State, except as required herein, and  
17 may not be transmitted to anyone within the Office of the  
18 Secretary of State except as needed for the purpose of  
19 evaluating the applicant. At any administrative hearing  
20 held under Section 2-118 of this Code relating to the  
21 denial, cancellation, suspension, or revocation of a  
22 driver training school license, the Secretary of State is  
23 authorized to utilize at that hearing any criminal  
24 histories, criminal convictions, and disposition  
25 information obtained under this Section. The information  
26 obtained from the investigation may be maintained by the

1 Secretary of State or any agency to which the information  
2 was transmitted. Only information and standards, which  
3 bear a reasonable and rational relation to the performance  
4 of a driver training school owner, shall be used by the  
5 Secretary of State. Any employee of the Secretary of State  
6 who gives or causes to be given away any confidential  
7 information concerning any criminal charges or disposition  
8 of criminal charges of an applicant shall be guilty of a  
9 Class A misdemeanor, unless release of the information is  
10 authorized by this Section.

11 No license shall be issued under this Section to a person  
12 who is a spouse, offspring, sibling, parent, grandparent,  
13 grandchild, uncle or aunt, nephew or niece, cousin, or in-law  
14 of the person whose license to do business at that location has  
15 been revoked or denied or to a person who was an officer or  
16 employee of a business firm that has had its license revoked or  
17 denied, unless the Secretary of State is satisfied the  
18 application was submitted in good faith and not for the  
19 purpose or effect of defeating the intent of this Code.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 (625 ILCS 5/6-420) (from Ch. 95 1/2, par. 6-420)

22 Sec. 6-420. Denial, Cancellation, Suspension, Revocation  
23 and Failure to Renew License. The Secretary may deny, cancel,  
24 suspend or revoke, or refuse to renew any driver training  
25 school license or any driver training instructor license:

1           (1) When the Secretary is satisfied that the licensee  
2 fails to meet the requirements to receive or hold a  
3 license under this Code;

4           (2) Whenever the licensee fails to keep the records  
5 required by this Code;

6           (3) Whenever the licensee permits fraud or engages in  
7 fraudulent practices either with reference to a student or  
8 the Secretary, or induces or countenances fraud or  
9 fraudulent practices on the part of any applicant for a  
10 driver's license or permit;

11           (4) Whenever the licensee fails to comply with any  
12 provision of this Code or any rule of the Secretary made  
13 pursuant thereto;

14           (5) Whenever the licensee represents himself as an  
15 agent or employee of the Secretary or uses advertising  
16 designed to lead or which would reasonably have the effect  
17 of leading persons to believe that such licensee is in  
18 fact an employee or representative of the Secretary;

19           (6) Whenever the licensee or any employee or agent of  
20 the licensee solicits driver training or instruction in an  
21 office of any department of the Secretary of State having  
22 to do with the administration of any law relating to motor  
23 vehicles, or within 1,500 feet of any such office;

24           (7) Whenever the licensee is convicted of driving  
25 while under the influence of alcohol, other drugs, or a  
26 combination thereof; leaving the scene of a crash ~~an~~

1 ~~accident~~; reckless homicide or reckless driving; or

2 (8) Whenever a driver training school advertises that  
3 a driver's license is guaranteed upon completion of the  
4 course of instruction.

5 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10.)

6 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 6-500. Definitions of words and phrases.

9 Notwithstanding the definitions set forth elsewhere in this  
10 Code, for purposes of the Uniform Commercial Driver's License  
11 Act (UCDLA), the words and phrases listed below have the  
12 meanings ascribed to them as follows:

13 (1) Alcohol. "Alcohol" means any substance containing any  
14 form of alcohol, including but not limited to ethanol,  
15 methanol, propanol, and isopropanol.

16 (2) Alcohol concentration. "Alcohol concentration" means:

17 (A) the number of grams of alcohol per 210 liters of  
18 breath; or

19 (B) the number of grams of alcohol per 100 milliliters  
20 of blood; or

21 (C) the number of grams of alcohol per 67 milliliters  
22 of urine.

23 Alcohol tests administered within 2 hours of the driver  
24 being "stopped or detained" shall be considered that driver's  
25 "alcohol concentration" for the purposes of enforcing this

1 UCCLA.

2 (3) (Blank).

3 (4) (Blank).

4 (5) (Blank).

5 (5.3) CDLIS driver record. "CDLIS driver record" means the  
6 electronic record of the individual CDL driver's status and  
7 history stored by the State-of-Record as part of the  
8 Commercial Driver's License Information System, or CDLIS,  
9 established under 49 U.S.C. 31309.

10 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle  
11 record" or "CDLIS MVR" means a report generated from the CDLIS  
12 driver record meeting the requirements for access to CDLIS  
13 information and provided by states to users authorized in 49  
14 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the  
15 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

16 (5.7) Commercial driver's license downgrade. "Commercial  
17 driver's license downgrade" or "CDL downgrade" means either:

18 (A) a state allows the driver to change his or her  
19 self-certification to interstate, but operating  
20 exclusively in transportation or operation excepted from  
21 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),  
22 391.2, 391.68, or 398.3;

23 (B) a state allows the driver to change his or her  
24 self-certification to intrastate only, if the driver  
25 qualifies under that state's physical qualification  
26 requirements for intrastate only;



1 (C) a state allows the driver to change his or her  
2 certification to intrastate, but operating exclusively in  
3 transportation or operations excepted from all or part of  
4 the state driver qualification requirements; or

5 (D) a state removes the CDL privilege from the driver  
6 license.

7 (6) Commercial Motor Vehicle.

8 (A) "Commercial motor vehicle" or "CMV" means a motor  
9 vehicle or combination of motor vehicles used in commerce,  
10 except those referred to in subdivision (B), designed to  
11 transport passengers or property if the motor vehicle:

12 (i) has a gross combination weight rating or gross  
13 combination weight of 11,794 kilograms or more (26,001  
14 pounds or more), whichever is greater, inclusive of  
15 any towed unit with a gross vehicle weight rating or  
16 gross vehicle weight of more than 4,536 kilograms  
17 (10,000 pounds), whichever is greater; or

18 (i-5) has a gross vehicle weight rating or gross  
19 vehicle weight of 11,794 or more kilograms (26,001  
20 pounds or more), whichever is greater; or

21 (ii) is designed to transport 16 or more persons,  
22 including the driver; or

23 (iii) is of any size and is used in transporting  
24 hazardous materials as defined in 49 C.F.R. 383.5.

25 (B) Pursuant to the interpretation of the Commercial  
26 Motor Vehicle Safety Act of 1986 by the Federal Highway

1 Administration, the definition of "commercial motor  
2 vehicle" does not include:

3 (i) recreational vehicles, when operated primarily  
4 for personal use;

5 (ii) vehicles owned by or operated under the  
6 direction of the United States Department of Defense  
7 or the United States Coast Guard only when operated by  
8 non-civilian personnel. This includes any operator on  
9 active military duty; members of the Reserves;  
10 National Guard; personnel on part-time training; and  
11 National Guard military technicians (civilians who are  
12 required to wear military uniforms and are subject to  
13 the Code of Military Justice); or

14 (iii) firefighting, police, and other emergency  
15 equipment (including, without limitation, equipment  
16 owned or operated by a HazMat or technical rescue team  
17 authorized by a county board under Section 5-1127 of  
18 the Counties Code), with audible and visual signals,  
19 owned or operated by or for a governmental entity,  
20 which is necessary to the preservation of life or  
21 property or the execution of emergency governmental  
22 functions which are normally not subject to general  
23 traffic rules and regulations.

24 (7) Controlled Substance. "Controlled substance" shall  
25 have the same meaning as defined in Section 102 of the Illinois  
26 Controlled Substances Act, and shall also include cannabis as

1 defined in Section 3 of the Cannabis Control Act and  
2 methamphetamine as defined in Section 10 of the  
3 Methamphetamine Control and Community Protection Act.

4 (8) Conviction. "Conviction" means an unvacated  
5 adjudication of guilt or a determination that a person has  
6 violated or failed to comply with the law in a court of  
7 original jurisdiction or by an authorized administrative  
8 tribunal; an unvacated forfeiture of bail or collateral  
9 deposited to secure the person's appearance in court; a plea  
10 of guilty or nolo contendere accepted by the court; the  
11 payment of a fine or court cost regardless of whether the  
12 imposition of sentence is deferred and ultimately a judgment  
13 dismissing the underlying charge is entered; or a violation of  
14 a condition of release without bail, regardless of whether or  
15 not the penalty is rebated, suspended or probated.

16 (8.5) Day. "Day" means calendar day.

17 (9) (Blank).

18 (10) (Blank).

19 (11) (Blank).

20 (12) (Blank).

21 (13) Driver. "Driver" means any person who drives,  
22 operates, or is in physical control of a commercial motor  
23 vehicle, any person who is required to hold a CDL, or any  
24 person who is a holder of a CDL while operating a  
25 non-commercial motor vehicle.

26 (13.5) Driver applicant. "Driver applicant" means an

1 individual who applies to a state or other jurisdiction to  
2 obtain, transfer, upgrade, or renew a CDL or to obtain or renew  
3 a CLP.

4 (13.8) Electronic device. "Electronic device" includes,  
5 but is not limited to, a cellular telephone, personal digital  
6 assistant, pager, computer, or any other device used to input,  
7 write, send, receive, or read text.

8 (14) Employee. "Employee" means a person who is employed  
9 as a commercial motor vehicle driver. A person who is  
10 self-employed as a commercial motor vehicle driver must comply  
11 with the requirements of this UCCLA pertaining to employees.  
12 An owner-operator on a long-term lease shall be considered an  
13 employee.

14 (15) Employer. "Employer" means a person (including the  
15 United States, a State or a local authority) who owns or leases  
16 a commercial motor vehicle or assigns employees to operate  
17 such a vehicle. A person who is self-employed as a commercial  
18 motor vehicle driver must comply with the requirements of this  
19 UCCLA.

20 (15.1) Endorsement. "Endorsement" means an authorization  
21 to an individual's CLP or CDL required to permit the  
22 individual to operate certain types of commercial motor  
23 vehicles.

24 (15.2) Entry-level driver training. "Entry-level driver  
25 training" means the training an entry-level driver receives  
26 from an entity listed on the Federal Motor Carrier Safety

1 Administration's Training Provider Registry prior to: (i)  
2 taking the CDL skills test required to receive the Class A or  
3 Class B CDL for the first time; (ii) taking the CDL skills test  
4 required to upgrade to a Class A or Class B CDL; or (iii)  
5 taking the CDL skills test required to obtain a passenger or  
6 school bus endorsement for the first time or the CDL knowledge  
7 test required to obtain a hazardous materials endorsement for  
8 the first time.

9 (15.3) Excepted interstate. "Excepted interstate" means a  
10 person who operates or expects to operate in interstate  
11 commerce, but engages exclusively in transportation or  
12 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,  
13 or 398.3 from all or part of the qualification requirements of  
14 49 C.F.R. Part 391 and is not required to obtain a medical  
15 examiner's certificate by 49 C.F.R. 391.45.

16 (15.5) Excepted intrastate. "Excepted intrastate" means a  
17 person who operates in intrastate commerce but engages  
18 exclusively in transportation or operations excepted from all  
19 or parts of the state driver qualification requirements.

20 (16) (Blank).

21 (16.5) Fatality. "Fatality" means the death of a person as  
22 a result of a motor vehicle crash ~~accident~~.

23 (16.7) Foreign commercial driver. "Foreign commercial  
24 driver" means a person licensed to operate a commercial motor  
25 vehicle by an authority outside the United States, or a  
26 citizen of a foreign country who operates a commercial motor

1 vehicle in the United States.

2 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
3 sovereign jurisdiction that does not fall within the  
4 definition of "State".

5 (18) (Blank).

6 (19) (Blank).

7 (20) Hazardous materials. "Hazardous material" means any  
8 material that has been designated under 49 U.S.C. 5103 and is  
9 required to be placarded under subpart F of 49 C.F.R. part 172  
10 or any quantity of a material listed as a select agent or toxin  
11 in 42 C.F.R. part 73.

12 (20.5) Imminent Hazard. "Imminent hazard" means the  
13 existence of any condition of a vehicle, employee, or  
14 commercial motor vehicle operations that substantially  
15 increases the likelihood of serious injury or death if not  
16 discontinued immediately; or a condition relating to hazardous  
17 material that presents a substantial likelihood that death,  
18 serious illness, severe personal injury, or a substantial  
19 endangerment to health, property, or the environment may occur  
20 before the reasonably foreseeable completion date of a formal  
21 proceeding begun to lessen the risk of that death, illness,  
22 injury or endangerment.

23 (20.6) Issuance. "Issuance" means initial issuance,  
24 transfer, renewal, or upgrade of a CLP or CDL and  
25 non-domiciled CLP or CDL.

26 (20.7) Issue. "Issue" means initial issuance, transfer,

1 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or  
2 non-domiciled CDL.

3 (21) Long-term lease. "Long-term lease" means a lease of a  
4 commercial motor vehicle by the owner-lessor to a lessee, for  
5 a period of more than 29 days.

6 (21.01) Manual transmission. "Manual transmission" means a  
7 transmission utilizing a driver-operated clutch that is  
8 activated by a pedal or lever and a gear-shift mechanism  
9 operated either by hand or foot including those known as a  
10 stick shift, stick, straight drive, or standard transmission.  
11 All other transmissions, whether semi-automatic or automatic,  
12 shall be considered automatic for the purposes of the  
13 standardized restriction code.

14 (21.1) Medical examiner. "Medical examiner" means an  
15 individual certified by the Federal Motor Carrier Safety  
16 Administration and listed on the National Registry of  
17 Certified Medical Examiners in accordance with Federal Motor  
18 Carrier Safety Regulations, 49 CFR 390.101 et seq.

19 (21.2) Medical examiner's certificate. "Medical examiner's  
20 certificate" means either (1) prior to June 22, 2021, a  
21 document prescribed or approved by the Secretary of State that  
22 is issued by a medical examiner to a driver to medically  
23 qualify him or her to drive; or (2) beginning June 22, 2021, an  
24 electronic submission of results of an examination conducted  
25 by a medical examiner listed on the National Registry of  
26 Certified Medical Examiners to the Federal Motor Carrier

1 Safety Administration of a driver to medically qualify him or  
2 her to drive.

3 (21.5) Medical variance. "Medical variance" means a driver  
4 has received one of the following from the Federal Motor  
5 Carrier Safety Administration which allows the driver to be  
6 issued a medical certificate: (1) an exemption letter  
7 permitting operation of a commercial motor vehicle pursuant to  
8 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a  
9 skill performance evaluation (SPE) certificate permitting  
10 operation of a commercial motor vehicle pursuant to 49 C.F.R.  
11 391.49.

12 (21.7) Mobile telephone. "Mobile telephone" means a mobile  
13 communication device that falls under or uses any commercial  
14 mobile radio service, as defined in regulations of the Federal  
15 Communications Commission, 47 CFR 20.3. It does not include  
16 two-way or citizens band radio services.

17 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
18 which is self-propelled, and every vehicle which is propelled  
19 by electric power obtained from over head trolley wires but  
20 not operated upon rails, except vehicles moved solely by human  
21 power and motorized wheel chairs.

22 (22.2) Motor vehicle record. "Motor vehicle record" means  
23 a report of the driving status and history of a driver  
24 generated from the driver record provided to users, such as  
25 drivers or employers, and is subject to the provisions of the  
26 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.



1           (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
2 combination of motor vehicles not defined by the term  
3 "commercial motor vehicle" or "CMV" in this Section.

4           (22.7) Non-excepted interstate. "Non-excepted interstate"  
5 means a person who operates or expects to operate in  
6 interstate commerce, is subject to and meets the qualification  
7 requirements under 49 C.F.R. Part 391, and is required to  
8 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

9           (22.8) Non-excepted intrastate. "Non-excepted intrastate"  
10 means a person who operates only in intrastate commerce and is  
11 subject to State driver qualification requirements.

12           (23) Non-domiciled CLP or Non-domiciled CDL.  
13 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,  
14 respectively, issued by a state or other jurisdiction under  
15 either of the following two conditions:

16           (i) to an individual domiciled in a foreign country  
17 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.  
18 of the Federal Motor Carrier Safety Administration.

19           (ii) to an individual domiciled in another state  
20 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.  
21 of the Federal Motor Carrier Safety Administration.

22           (24) (Blank).

23           (25) (Blank).

24           (25.5) Railroad-Highway Grade Crossing Violation.  
25 "Railroad-highway grade crossing violation" means a violation,  
26 while operating a commercial motor vehicle, of any of the

1 following:

2 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

3 (B) Any other similar law or local ordinance of any  
4 state relating to railroad-highway grade crossing.

5 (25.7) School Bus. "School bus" means a commercial motor  
6 vehicle used to transport pre-primary, primary, or secondary  
7 school students from home to school, from school to home, or to  
8 and from school-sponsored events. "School bus" does not  
9 include a bus used as a common carrier.

10 (26) Serious Traffic Violation. "Serious traffic  
11 violation" means:

12 (A) a conviction when operating a commercial motor  
13 vehicle, or when operating a non-CMV while holding a CLP  
14 or CDL, of:

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

18 (ii) a violation relating to reckless driving; or

19 (iii) a violation of any State law or local  
20 ordinance relating to motor vehicle traffic control  
21 (other than parking violations) arising in connection  
22 with a fatal traffic crash ~~accident~~; or

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

25 (v) a violation of paragraph (a) of Section 6-507,  
26 relating to the requirement to have a valid CLP or CDL;

1 or

2 (vi) a violation relating to improper or erratic  
3 traffic lane changes; or

4 (vii) a violation relating to following another  
5 vehicle too closely; or

6 (viii) a violation relating to texting while  
7 driving; or

8 (ix) a violation relating to the use of a  
9 hand-held mobile telephone while driving; or

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

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

18 (28) (Blank).

19 (29) (Blank).

20 (30) (Blank).

21 (31) (Blank).

22 (32) Texting. "Texting" means manually entering  
23 alphanumeric text into, or reading text from, an electronic  
24 device.

25 (1) Texting includes, but is not limited to, short  
26 message service, emailing, instant messaging, a command or

1 request to access a World Wide Web page, pressing more  
2 than a single button to initiate or terminate a voice  
3 communication using a mobile telephone, or engaging in any  
4 other form of electronic text retrieval or entry for  
5 present or future communication.

6 (2) Texting does not include:

7 (i) inputting, selecting, or reading information  
8 on a global positioning system or navigation system;  
9 or

10 (ii) pressing a single button to initiate or  
11 terminate a voice communication using a mobile  
12 telephone; or

13 (iii) using a device capable of performing  
14 multiple functions (for example, a fleet management  
15 system, dispatching device, smart phone, citizens band  
16 radio, or music player) for a purpose that is not  
17 otherwise prohibited by Part 392 of the Federal Motor  
18 Carrier Safety Regulations.

19 (32.3) Third party skills test examiner. "Third party  
20 skills test examiner" means a person employed by a third party  
21 tester who is authorized by the State to administer the CDL  
22 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

23 (32.5) Third party tester. "Third party tester" means a  
24 person (including, but not limited to, another state, a motor  
25 carrier, a private driver training facility or other private  
26 institution, or a department, agency, or instrumentality of a

1 local government) authorized by the State to employ skills  
2 test examiners to administer the CDL skills tests specified in  
3 49 C.F.R. Part 383, subparts G and H.

4 (32.7) United States. "United States" means the 50 states  
5 and the District of Columbia.

6 (33) Use a hand-held mobile telephone. "Use a hand-held  
7 mobile telephone" means:

8 (1) using at least one hand to hold a mobile telephone  
9 to conduct a voice communication;

10 (2) dialing or answering a mobile telephone by  
11 pressing more than a single button; or

12 (3) reaching for a mobile telephone in a manner that  
13 requires a driver to maneuver so that he or she is no  
14 longer in a seated driving position, restrained by a seat  
15 belt that is installed in accordance with 49 CFR 393.93  
16 and adjusted in accordance with the vehicle manufacturer's  
17 instructions.

18 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

19 (Text of Section after amendment by P.A. 101-652)

20 Sec. 6-500. Definitions of words and phrases.  
21 Notwithstanding the definitions set forth elsewhere in this  
22 Code, for purposes of the Uniform Commercial Driver's License  
23 Act (UCDLA), the words and phrases listed below have the  
24 meanings ascribed to them as follows:

25 (1) Alcohol. "Alcohol" means any substance containing any

1 form of alcohol, including but not limited to ethanol,  
2 methanol, propanol, and isopropanol.

3 (2) Alcohol concentration. "Alcohol concentration" means:

4 (A) the number of grams of alcohol per 210 liters of  
5 breath; or

6 (B) the number of grams of alcohol per 100 milliliters  
7 of blood; or

8 (C) the number of grams of alcohol per 67 milliliters  
9 of urine.

10 Alcohol tests administered within 2 hours of the driver  
11 being "stopped or detained" shall be considered that driver's  
12 "alcohol concentration" for the purposes of enforcing this  
13 UCDLA.

14 (3) (Blank).

15 (4) (Blank).

16 (5) (Blank).

17 (5.3) CDLIS driver record. "CDLIS driver record" means the  
18 electronic record of the individual CDL driver's status and  
19 history stored by the State-of-Record as part of the  
20 Commercial Driver's License Information System, or CDLIS,  
21 established under 49 U.S.C. 31309.

22 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle  
23 record" or "CDLIS MVR" means a report generated from the CDLIS  
24 driver record meeting the requirements for access to CDLIS  
25 information and provided by states to users authorized in 49  
26 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the

1 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

2 (5.7) Commercial driver's license downgrade. "Commercial  
3 driver's license downgrade" or "CDL downgrade" means either:

4 (A) a state allows the driver to change his or her  
5 self-certification to interstate, but operating  
6 exclusively in transportation or operation excepted from  
7 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),  
8 391.2, 391.68, or 398.3;

9 (B) a state allows the driver to change his or her  
10 self-certification to intrastate only, if the driver  
11 qualifies under that state's physical qualification  
12 requirements for intrastate only;

13 (C) a state allows the driver to change his or her  
14 certification to intrastate, but operating exclusively in  
15 transportation or operations excepted from all or part of  
16 the state driver qualification requirements; or

17 (D) a state removes the CDL privilege from the driver  
18 license.

19 (6) Commercial Motor Vehicle.

20 (A) "Commercial motor vehicle" or "CMV" means a motor  
21 vehicle or combination of motor vehicles used in commerce,  
22 except those referred to in subdivision (B), designed to  
23 transport passengers or property if the motor vehicle:

24 (i) has a gross combination weight rating or gross  
25 combination weight of 11,794 kilograms or more (26,001  
26 pounds or more), whichever is greater, inclusive of

1 any towed unit with a gross vehicle weight rating or  
2 gross vehicle weight of more than 4,536 kilograms  
3 (10,000 pounds), whichever is greater; or

4 (i-5) has a gross vehicle weight rating or gross  
5 vehicle weight of 11,794 or more kilograms (26,001  
6 pounds or more), whichever is greater; or

7 (ii) is designed to transport 16 or more persons,  
8 including the driver; or

9 (iii) is of any size and is used in transporting  
10 hazardous materials as defined in 49 C.F.R. 383.5.

11 (B) Pursuant to the interpretation of the Commercial  
12 Motor Vehicle Safety Act of 1986 by the Federal Highway  
13 Administration, the definition of "commercial motor  
14 vehicle" does not include:

15 (i) recreational vehicles, when operated primarily  
16 for personal use;

17 (ii) vehicles owned by or operated under the  
18 direction of the United States Department of Defense  
19 or the United States Coast Guard only when operated by  
20 non-civilian personnel. This includes any operator on  
21 active military duty; members of the Reserves;  
22 National Guard; personnel on part-time training; and  
23 National Guard military technicians (civilians who are  
24 required to wear military uniforms and are subject to  
25 the Code of Military Justice); or

26 (iii) firefighting, police, and other emergency



1 equipment (including, without limitation, equipment  
2 owned or operated by a HazMat or technical rescue team  
3 authorized by a county board under Section 5-1127 of  
4 the Counties Code), with audible and visual signals,  
5 owned or operated by or for a governmental entity,  
6 which is necessary to the preservation of life or  
7 property or the execution of emergency governmental  
8 functions which are normally not subject to general  
9 traffic rules and regulations.

10 (7) Controlled Substance. "Controlled substance" shall  
11 have the same meaning as defined in Section 102 of the Illinois  
12 Controlled Substances Act, and shall also include cannabis as  
13 defined in Section 3 of the Cannabis Control Act and  
14 methamphetamine as defined in Section 10 of the  
15 Methamphetamine Control and Community Protection Act.

16 (8) Conviction. "Conviction" means an unvacated  
17 adjudication of guilt or a determination that a person has  
18 violated or failed to comply with the law in a court of  
19 original jurisdiction or by an authorized administrative  
20 tribunal; an unvacated revocation of pretrial release or  
21 forfeiture of bail or collateral deposited to secure the  
22 person's appearance in court; a plea of guilty or nolo  
23 contendere accepted by the court; the payment of a fine or  
24 court cost regardless of whether the imposition of sentence is  
25 deferred and ultimately a judgment dismissing the underlying  
26 charge is entered; or a violation of a condition of pretrial

1 release without bail, regardless of whether or not the penalty  
2 is rebated, suspended or probated.

3 (8.5) Day. "Day" means calendar day.

4 (9) (Blank).

5 (10) (Blank).

6 (11) (Blank).

7 (12) (Blank).

8 (13) Driver. "Driver" means any person who drives,  
9 operates, or is in physical control of a commercial motor  
10 vehicle, any person who is required to hold a CDL, or any  
11 person who is a holder of a CDL while operating a  
12 non-commercial motor vehicle.

13 (13.5) Driver applicant. "Driver applicant" means an  
14 individual who applies to a state or other jurisdiction to  
15 obtain, transfer, upgrade, or renew a CDL or to obtain or renew  
16 a CLP.

17 (13.8) Electronic device. "Electronic device" includes,  
18 but is not limited to, a cellular telephone, personal digital  
19 assistant, pager, computer, or any other device used to input,  
20 write, send, receive, or read text.

21 (14) Employee. "Employee" means a person who is employed  
22 as a commercial motor vehicle driver. A person who is  
23 self-employed as a commercial motor vehicle driver must comply  
24 with the requirements of this UCDLA pertaining to employees.  
25 An owner-operator on a long-term lease shall be considered an  
26 employee.

1           (15) Employer. "Employer" means a person (including the  
2 United States, a State or a local authority) who owns or leases  
3 a commercial motor vehicle or assigns employees to operate  
4 such a vehicle. A person who is self-employed as a commercial  
5 motor vehicle driver must comply with the requirements of this  
6 UCCLA.

7           (15.1) Endorsement. "Endorsement" means an authorization  
8 to an individual's CLP or CDL required to permit the  
9 individual to operate certain types of commercial motor  
10 vehicles.

11           (15.2) Entry-level driver training. "Entry-level driver  
12 training" means the training an entry-level driver receives  
13 from an entity listed on the Federal Motor Carrier Safety  
14 Administration's Training Provider Registry prior to: (i)  
15 taking the CDL skills test required to receive the Class A or  
16 Class B CDL for the first time; (ii) taking the CDL skills test  
17 required to upgrade to a Class A or Class B CDL; or (iii)  
18 taking the CDL skills test required to obtain a passenger or  
19 school bus endorsement for the first time or the CDL knowledge  
20 test required to obtain a hazardous materials endorsement for  
21 the first time.

22           (15.3) Excepted interstate. "Excepted interstate" means a  
23 person who operates or expects to operate in interstate  
24 commerce, but engages exclusively in transportation or  
25 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,  
26 or 398.3 from all or part of the qualification requirements of

1 49 C.F.R. Part 391 and is not required to obtain a medical  
2 examiner's certificate by 49 C.F.R. 391.45.

3 (15.5) Excepted intrastate. "Excepted intrastate" means a  
4 person who operates in intrastate commerce but engages  
5 exclusively in transportation or operations excepted from all  
6 or parts of the state driver qualification requirements.

7 (16) (Blank).

8 (16.5) Fatality. "Fatality" means the death of a person as  
9 a result of a motor vehicle crash ~~accident~~.

10 (16.7) Foreign commercial driver. "Foreign commercial  
11 driver" means a person licensed to operate a commercial motor  
12 vehicle by an authority outside the United States, or a  
13 citizen of a foreign country who operates a commercial motor  
14 vehicle in the United States.

15 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
16 sovereign jurisdiction that does not fall within the  
17 definition of "State".

18 (18) (Blank).

19 (19) (Blank).

20 (20) Hazardous materials. "Hazardous material" means any  
21 material that has been designated under 49 U.S.C. 5103 and is  
22 required to be placarded under subpart F of 49 C.F.R. part 172  
23 or any quantity of a material listed as a select agent or toxin  
24 in 42 C.F.R. part 73.

25 (20.5) Imminent Hazard. "Imminent hazard" means the  
26 existence of any condition of a vehicle, employee, or

1 commercial motor vehicle operations that substantially  
2 increases the likelihood of serious injury or death if not  
3 discontinued immediately; or a condition relating to hazardous  
4 material that presents a substantial likelihood that death,  
5 serious illness, severe personal injury, or a substantial  
6 endangerment to health, property, or the environment may occur  
7 before the reasonably foreseeable completion date of a formal  
8 proceeding begun to lessen the risk of that death, illness,  
9 injury or endangerment.

10 (20.6) Issuance. "Issuance" means initial issuance,  
11 transfer, renewal, or upgrade of a CLP or CDL and  
12 non-domiciled CLP or CDL.

13 (20.7) Issue. "Issue" means initial issuance, transfer,  
14 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or  
15 non-domiciled CDL.

16 (21) Long-term lease. "Long-term lease" means a lease of a  
17 commercial motor vehicle by the owner-lessor to a lessee, for  
18 a period of more than 29 days.

19 (21.01) Manual transmission. "Manual transmission" means a  
20 transmission utilizing a driver-operated clutch that is  
21 activated by a pedal or lever and a gear-shift mechanism  
22 operated either by hand or foot including those known as a  
23 stick shift, stick, straight drive, or standard transmission.  
24 All other transmissions, whether semi-automatic or automatic,  
25 shall be considered automatic for the purposes of the  
26 standardized restriction code.

1           (21.1) Medical examiner. "Medical examiner" means an  
2 individual certified by the Federal Motor Carrier Safety  
3 Administration and listed on the National Registry of  
4 Certified Medical Examiners in accordance with Federal Motor  
5 Carrier Safety Regulations, 49 CFR 390.101 et seq.

6           (21.2) Medical examiner's certificate. "Medical examiner's  
7 certificate" means either (1) prior to June 22, 2021, a  
8 document prescribed or approved by the Secretary of State that  
9 is issued by a medical examiner to a driver to medically  
10 qualify him or her to drive; or (2) beginning June 22, 2021, an  
11 electronic submission of results of an examination conducted  
12 by a medical examiner listed on the National Registry of  
13 Certified Medical Examiners to the Federal Motor Carrier  
14 Safety Administration of a driver to medically qualify him or  
15 her to drive.

16           (21.5) Medical variance. "Medical variance" means a driver  
17 has received one of the following from the Federal Motor  
18 Carrier Safety Administration which allows the driver to be  
19 issued a medical certificate: (1) an exemption letter  
20 permitting operation of a commercial motor vehicle pursuant to  
21 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a  
22 skill performance evaluation (SPE) certificate permitting  
23 operation of a commercial motor vehicle pursuant to 49 C.F.R.  
24 391.49.

25           (21.7) Mobile telephone. "Mobile telephone" means a mobile  
26 communication device that falls under or uses any commercial

1 mobile radio service, as defined in regulations of the Federal  
2 Communications Commission, 47 CFR 20.3. It does not include  
3 two-way or citizens band radio services.

4 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
5 which is self-propelled, and every vehicle which is propelled  
6 by electric power obtained from over head trolley wires but  
7 not operated upon rails, except vehicles moved solely by human  
8 power and motorized wheel chairs.

9 (22.2) Motor vehicle record. "Motor vehicle record" means  
10 a report of the driving status and history of a driver  
11 generated from the driver record provided to users, such as  
12 drivers or employers, and is subject to the provisions of the  
13 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

14 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
15 combination of motor vehicles not defined by the term  
16 "commercial motor vehicle" or "CMV" in this Section.

17 (22.7) Non-excepted interstate. "Non-excepted interstate"  
18 means a person who operates or expects to operate in  
19 interstate commerce, is subject to and meets the qualification  
20 requirements under 49 C.F.R. Part 391, and is required to  
21 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

22 (22.8) Non-excepted intrastate. "Non-excepted intrastate"  
23 means a person who operates only in intrastate commerce and is  
24 subject to State driver qualification requirements.

25 (23) Non-domiciled CLP or Non-domiciled CDL.  
26 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,

1 respectively, issued by a state or other jurisdiction under  
2 either of the following two conditions:

3 (i) to an individual domiciled in a foreign country  
4 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.  
5 of the Federal Motor Carrier Safety Administration.

6 (ii) to an individual domiciled in another state  
7 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.  
8 of the Federal Motor Carrier Safety Administration.

9 (24) (Blank).

10 (25) (Blank).

11 (25.5) Railroad-Highway Grade Crossing Violation.

12 "Railroad-highway grade crossing violation" means a violation,  
13 while operating a commercial motor vehicle, of any of the  
14 following:

15 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

16 (B) Any other similar law or local ordinance of any  
17 state relating to railroad-highway grade crossing.

18 (25.7) School Bus. "School bus" means a commercial motor  
19 vehicle used to transport pre-primary, primary, or secondary  
20 school students from home to school, from school to home, or to  
21 and from school-sponsored events. "School bus" does not  
22 include a bus used as a common carrier.

23 (26) Serious Traffic Violation. "Serious traffic  
24 violation" means:

25 (A) a conviction when operating a commercial motor  
26 vehicle, or when operating a non-CMV while holding a CLP



1 or CDL, of:

2 (i) a violation relating to excessive speeding,  
3 involving a single speeding charge of 15 miles per  
4 hour or more above the legal speed limit; or

5 (ii) a violation relating to reckless driving; or

6 (iii) a violation of any State law or local  
7 ordinance relating to motor vehicle traffic control  
8 (other than parking violations) arising in connection  
9 with a fatal traffic crash ~~accident~~; or

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

12 (v) a violation of paragraph (a) of Section 6-507,  
13 relating to the requirement to have a valid CLP or CDL;  
14 or

15 (vi) a violation relating to improper or erratic  
16 traffic lane changes; or

17 (vii) a violation relating to following another  
18 vehicle too closely; or

19 (viii) a violation relating to texting while  
20 driving; or

21 (ix) a violation relating to the use of a  
22 hand-held mobile telephone while driving; or

23 (B) any other similar violation of a law or local  
24 ordinance of any state relating to motor vehicle traffic  
25 control, other than a parking violation, which the  
26 Secretary of State determines by administrative rule to be

1 serious.

2 (27) State. "State" means a state of the United States,  
3 the District of Columbia and any province or territory of  
4 Canada.

5 (28) (Blank).

6 (29) (Blank).

7 (30) (Blank).

8 (31) (Blank).

9 (32) Texting. "Texting" means manually entering  
10 alphanumeric text into, or reading text from, an electronic  
11 device.

12 (1) Texting includes, but is not limited to, short  
13 message service, emailing, instant messaging, a command or  
14 request to access a World Wide Web page, pressing more  
15 than a single button to initiate or terminate a voice  
16 communication using a mobile telephone, or engaging in any  
17 other form of electronic text retrieval or entry for  
18 present or future communication.

19 (2) Texting does not include:

20 (i) inputting, selecting, or reading information  
21 on a global positioning system or navigation system;  
22 or

23 (ii) pressing a single button to initiate or  
24 terminate a voice communication using a mobile  
25 telephone; or

26 (iii) using a device capable of performing

1 multiple functions (for example, a fleet management  
2 system, dispatching device, smart phone, citizens band  
3 radio, or music player) for a purpose that is not  
4 otherwise prohibited by Part 392 of the Federal Motor  
5 Carrier Safety Regulations.

6 (32.3) Third party skills test examiner. "Third party  
7 skills test examiner" means a person employed by a third party  
8 tester who is authorized by the State to administer the CDL  
9 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

10 (32.5) Third party tester. "Third party tester" means a  
11 person (including, but not limited to, another state, a motor  
12 carrier, a private driver training facility or other private  
13 institution, or a department, agency, or instrumentality of a  
14 local government) authorized by the State to employ skills  
15 test examiners to administer the CDL skills tests specified in  
16 49 C.F.R. Part 383, subparts G and H.

17 (32.7) United States. "United States" means the 50 states  
18 and the District of Columbia.

19 (33) Use a hand-held mobile telephone. "Use a hand-held  
20 mobile telephone" means:

21 (1) using at least one hand to hold a mobile telephone  
22 to conduct a voice communication;

23 (2) dialing or answering a mobile telephone by  
24 pressing more than a single button; or

25 (3) reaching for a mobile telephone in a manner that  
26 requires a driver to maneuver so that he or she is no

1 longer in a seated driving position, restrained by a seat  
2 belt that is installed in accordance with 49 CFR 393.93  
3 and adjusted in accordance with the vehicle manufacturer's  
4 instructions.

5 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20;  
6 101-652, eff. 1-1-23.)

7 (625 ILCS 5/6-500.2) (from Ch. 95 1/2, par. 6-500.2)

8 Sec. 6-500.2. Statement of intent and purpose. The purpose  
9 of this UCDLA is to implement the federal Commercial Motor  
10 Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law  
11 99-570) and reduce or prevent commercial motor vehicle crashes  
12 ~~accidents~~, fatalities and injuries by:

13 (a) permitting commercial drivers to hold only one  
14 driver's license;

15 (b) disqualifying commercial drivers who have committed  
16 certain serious traffic violations, or other specified  
17 offenses; and

18 (c) strengthening commercial driver licensing and testing  
19 standards.

20 This UCDLA is remedial in nature and should be liberally  
21 construed to promote the public's health, safety and welfare.  
22 To the extent that this UCDLA conflicts with any other  
23 provisions of this Code, the UCDLA shall prevail. Where this  
24 UCDLA is silent, the other general provisions of this Code  
25 shall apply.

1 (Source: P.A. 86-845.)

2 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

3 Sec. 6-514. Commercial driver's license (CDL); commercial  
4 learner's permit (CLP); disqualifications.

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

8 (1) Refusing to submit to or failure to complete a  
9 test or tests to determine the driver's blood  
10 concentration of alcohol, other drug, or both while  
11 driving a commercial motor vehicle or, if the driver is a  
12 CLP or CDL holder, while driving a non-CMV; or

13 (2) Operating a commercial motor vehicle while the  
14 alcohol concentration of the person's blood, breath, other  
15 bodily substance, or urine is at least 0.04, or any amount  
16 of a drug, substance, or compound in the person's blood,  
17 other bodily substance, or urine resulting from the  
18 unlawful use or consumption of cannabis listed in the  
19 Cannabis Control Act, a controlled substance listed in the  
20 Illinois Controlled Substances Act, or methamphetamine as  
21 listed in the Methamphetamine Control and Community  
22 Protection Act as indicated by a police officer's sworn  
23 report or other verified evidence; or operating a  
24 non-commercial motor vehicle while the alcohol  
25 concentration of the person's blood, breath, other bodily

1 substance, or urine was above the legal limit defined in  
2 Section 11-501.1 or 11-501.8 or any amount of a drug,  
3 substance, or compound in the person's blood, other bodily  
4 substance, or urine resulting from the unlawful use or  
5 consumption of cannabis listed in the Cannabis Control  
6 Act, a controlled substance listed in the Illinois  
7 Controlled Substances Act, or methamphetamine as listed in  
8 the Methamphetamine Control and Community Protection Act  
9 as indicated by a police officer's sworn report or other  
10 verified evidence while holding a CLP or CDL; or

11 (3) Conviction for a first violation of:

12 (i) Driving a commercial motor vehicle or, if the  
13 driver is a CLP or CDL holder, driving a non-CMV while  
14 under the influence of alcohol, or any other drug, or  
15 combination of drugs to a degree which renders such  
16 person incapable of safely driving; or

17 (ii) Knowingly leaving the scene of a crash ~~an~~  
18 ~~accident~~ while operating a commercial motor vehicle  
19 or, if the driver is a CLP or CDL holder, while driving  
20 a non-CMV; or

21 (iii) Driving a commercial motor vehicle or, if  
22 the driver is a CLP or CDL holder, driving a non-CMV  
23 while committing any felony; or

24 (iv) Driving a commercial motor vehicle while the  
25 person's driving privileges or driver's license or  
26 permit is revoked, suspended, or cancelled or the

1 driver is disqualified from operating a commercial  
2 motor vehicle; or

3 (v) Causing a fatality through the negligent  
4 operation of a commercial motor vehicle, including but  
5 not limited to the crimes of motor vehicle  
6 manslaughter, homicide by a motor vehicle, and  
7 negligent homicide.

8 As used in this subdivision (a)(3)(v), "motor  
9 vehicle manslaughter" means the offense of involuntary  
10 manslaughter if committed by means of a vehicle;  
11 "homicide by a motor vehicle" means the offense of  
12 first degree murder or second degree murder, if either  
13 offense is committed by means of a vehicle; and  
14 "negligent homicide" means reckless homicide under  
15 Section 9-3 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 and aggravated driving under the  
17 influence of alcohol, other drug or drugs,  
18 intoxicating compound or compounds, or any combination  
19 thereof under subdivision (d)(1)(F) of Section 11-501  
20 of this Code.

21 If any of the above violations or refusals occurred  
22 while transporting hazardous material(s) required to be  
23 placarded, the person shall be disqualified for a period  
24 of not less than 3 years; or

25 (4) (Blank).

26 (b) A person is disqualified for life for a second

1 conviction of any of the offenses specified in paragraph (a),  
2 or any combination of those offenses, arising from 2 or more  
3 separate incidents.

4 (c) A person is disqualified from driving a commercial  
5 motor vehicle for life if the person either (i) uses a  
6 commercial motor vehicle in the commission of any felony  
7 involving the manufacture, distribution, or dispensing of a  
8 controlled substance, or possession with intent to  
9 manufacture, distribute or dispense a controlled substance or  
10 (ii) if the person is a CLP or CDL holder, uses a non-CMV in  
11 the commission of a felony involving any of those activities.

12 (d) The Secretary of State may, when the United States  
13 Secretary of Transportation so authorizes, issue regulations  
14 in which a disqualification for life under paragraph (b) may  
15 be reduced to a period of not less than 10 years. If a  
16 reinstated driver is subsequently convicted of another  
17 disqualifying offense, as specified in subsection (a) of this  
18 Section, he or she shall be permanently disqualified for life  
19 and shall be ineligible to again apply for a reduction of the  
20 lifetime disqualification.

21 (e) A person is disqualified from driving a commercial  
22 motor vehicle for a period of not less than 2 months if  
23 convicted of 2 serious traffic violations, committed in a  
24 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
25 or any combination thereof, arising from separate incidents,  
26 occurring within a 3 year period, provided the serious traffic



1 violation committed in a non-CMV would result in the  
2 suspension or revocation of the CLP or CDL holder's non-CMV  
3 privileges. However, a person will be disqualified from  
4 driving a commercial motor vehicle for a period of not less  
5 than 4 months if convicted of 3 serious traffic violations,  
6 committed in a commercial motor vehicle, non-CMV while holding  
7 a CLP or CDL, or any combination thereof, arising from  
8 separate incidents, occurring within a 3 year period, provided  
9 the serious traffic violation committed in a non-CMV would  
10 result in the suspension or revocation of the CLP or CDL  
11 holder's non-CMV privileges. If all the convictions occurred  
12 in a non-CMV, the disqualification shall be entered only if  
13 the convictions would result in the suspension or revocation  
14 of the CLP or CDL holder's non-CMV privileges.

15 (e-1) (Blank).

16 (f) Notwithstanding any other provision of this Code, any  
17 driver disqualified from operating a commercial motor vehicle,  
18 pursuant to this UCDLA, shall not be eligible for restoration  
19 of commercial driving privileges during any such period of  
20 disqualification.

21 (g) After suspending, revoking, or cancelling a CLP or  
22 CDL, the Secretary of State must update the driver's records  
23 to reflect such action within 10 days. After suspending or  
24 revoking the driving privilege of any person who has been  
25 issued a CLP or CDL from another jurisdiction, the Secretary  
26 shall originate notification to such issuing jurisdiction

1 within 10 days.

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

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

8 (1) For 6 months upon a first conviction of paragraph  
9 (2) of subsection (b) or subsection (b-3) of Section 6-507  
10 of this Code.

11 (2) For 2 years upon a second conviction of paragraph  
12 (2) of subsection (b) or subsection (b-3) or any  
13 combination of paragraphs (2) or (3) of subsection (b) or  
14 subsections (b-3) or (b-5) of Section 6-507 of this Code  
15 within a 10-year period if the second conviction is a  
16 violation of paragraph (2) of subsection (b) or subsection  
17 (b-3).

18 (3) For 3 years upon a third or subsequent conviction  
19 of paragraph (2) of subsection (b) or subsection (b-3) or  
20 any combination of paragraphs (2) or (3) of subsection (b)  
21 or subsections (b-3) or (b-5) of Section 6-507 of this  
22 Code within a 10-year period if the third or subsequent  
23 conviction is a violation of paragraph (2) of subsection  
24 (b) or subsection (b-3).

25 (4) For one year upon a first conviction of paragraph  
26 (3) of subsection (b) or subsection (b-5) of Section 6-507

1 of this Code.

2 (5) For 3 years upon a second conviction of paragraph  
3 (3) of subsection (b) or subsection (b-5) or any  
4 combination of paragraphs (2) or (3) of subsection (b) or  
5 subsections (b-3) or (b-5) of Section 6-507 of this Code  
6 within a 10-year period if the second conviction is a  
7 violation of paragraph (3) of subsection (b) or (b-5).

8 (6) For 5 years upon a third or subsequent conviction  
9 of paragraph (3) of subsection (b) or subsection (b-5) or  
10 any combination of paragraphs (2) or (3) of subsection (b)  
11 or subsections (b-3) or (b-5) of Section 6-507 of this  
12 Code within a 10-year period if the third or subsequent  
13 conviction is a violation of paragraph (3) of subsection  
14 (b) or (b-5).

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

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

25 (i) For drivers who are not required to always  
26 stop, failing to slow down and check that the tracks

1 are clear of an approaching train or railroad track  
2 equipment, as described in subsection (a-5) of Section  
3 11-1201 of this Code;

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

8 (iii) For drivers who are always required to stop,  
9 failing to stop before driving onto the crossing, as  
10 described in Section 11-1202 of this Code;

11 (iv) For all drivers, failing to have sufficient  
12 space to drive completely through the crossing without  
13 stopping, as described in subsection (b) of Section  
14 11-1425 of this Code;

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

19 (vi) For all drivers, failing to negotiate a  
20 crossing because of insufficient undercarriage  
21 clearance, as described in subsection (d-1) of Section  
22 11-1201 of this Code.

23 (2) Duration of disqualification for railroad-highway  
24 grade crossing violation.

25 (i) First violation. A driver must be disqualified  
26 from operating a commercial motor vehicle for not less

1           than 60 days if the driver is convicted of a violation  
2           described in paragraph (1) of this subsection (j) and,  
3           in the three-year period preceding the conviction, the  
4           driver had no convictions for a violation described in  
5           paragraph (1) of this subsection (j).

6           (ii) Second violation. A driver must be  
7           disqualified from operating a commercial motor vehicle  
8           for not less than 120 days if the driver is convicted  
9           of a violation described in paragraph (1) of this  
10          subsection (j) and, in the three-year period preceding  
11          the conviction, the driver had one other conviction  
12          for a violation described in paragraph (1) of this  
13          subsection (j) that was committed in a separate  
14          incident.

15          (iii) Third or subsequent violation. A driver must  
16          be disqualified from operating a commercial motor  
17          vehicle for not less than one year if the driver is  
18          convicted of a violation described in paragraph (1) of  
19          this subsection (j) and, in the three-year period  
20          preceding the conviction, the driver had 2 or more  
21          other convictions for violations described in  
22          paragraph (1) of this subsection (j) that were  
23          committed in separate incidents.

24          (k) Upon notification of a disqualification of a driver's  
25          commercial motor vehicle privileges imposed by the U.S.  
26          Department of Transportation, Federal Motor Carrier Safety

1 Administration, in accordance with 49 C.F.R. 383.52, the  
2 Secretary of State shall immediately record to the driving  
3 record the notice of disqualification and confirm to the  
4 driver the action that has been taken.

5 (1) A foreign commercial driver is subject to  
6 disqualification under this Section.

7 (Source: P.A. 98-122, eff. 1-1-14; 98-176 (see Section 10 of  
8 P.A. 98-722 and Section 10 of P.A. 99-414 for the effective  
9 date of changes made by P.A. 98-176); 98-722, eff. 7-16-14;  
10 98-756, eff. 7-16-14; 98-1172, eff. 1-12-15; 99-697, eff.  
11 7-29-16.)

12 (625 ILCS 5/6-516) (from Ch. 95 1/2, par. 6-516)

13 Sec. 6-516. Implied consent requirements for commercial  
14 motor vehicle drivers.

15 (a) Effective April 1, 1992, any person who drives a  
16 commercial motor vehicle upon the highways is hereby deemed to  
17 have given consent to submit to a test or tests, subject to the  
18 provisions of Section 11-501.2 of this Code, of such person's  
19 breath, blood or urine for the purpose of determining the  
20 presence of alcohol, or other drugs, in such person's system.

21 (b) A test or tests may be administered at the direction of  
22 a law enforcement officer, who after stopping or detaining the  
23 commercial motor vehicle driver, has probable cause to believe  
24 that driver was driving a commercial motor vehicle while  
25 having alcohol or any amount of a drug, substance, or compound

1 resulting from the unlawful use or consumption of cannabis  
2 listed in the Cannabis Control Act, a controlled substance  
3 listed in the Illinois Controlled Substances Act, or  
4 methamphetamine as listed in the Methamphetamine Control and  
5 Community Protection Act in such driver's system.

6 (c) Effective April 1, 1992, any person who operates a  
7 school bus at the time of a crash ~~an accident~~ involving the  
8 school bus is hereby deemed to have given consent to submit to  
9 a test or tests to be administered at the direction of a law  
10 enforcement officer, subject to the provisions of Section  
11 11-501.2 of this Code, of the driver's breath, blood or urine  
12 for the purpose of determining the presence of alcohol, or  
13 other drugs, in the person's system.

14 (Source: P.A. 95-355, eff. 1-1-08.)

15 (625 ILCS 5/6-703) (from Ch. 95 1/2, par. 6-703)

16 Sec. 6-703. Effect of Conviction.

17 (a) The licensing authority in the home state, for the  
18 purposes of suspension, revocation or limitation of the  
19 license to operate a motor vehicle, shall give the same effect  
20 to the conduct reported, pursuant to Section 6-702, as it  
21 would if such conduct had occurred in the home state, in the  
22 case of convictions for:

23 1. Manslaughter or negligent homicide resulting from the  
24 operation of a motor vehicle;

25 2. Driving a motor vehicle while under the influence of

1 intoxicating liquor or a narcotic drug, or under the influence  
2 of any other drug to a degree which renders the driver  
3 incapable of safely driving a motor vehicle;

4 3. Any felony in the commission of which a motor vehicle is  
5 used;

6 4. Failure to stop and render aid in the event of a motor  
7 vehicle crash ~~accident~~ resulting in the death or personal  
8 injury of another.

9 (b) As to other convictions, reported pursuant to Section  
10 6-702, the licensing authority in the home state shall give  
11 such effect to the conduct as is provided by the laws of the  
12 home state.

13 (c) If the laws of a party state do not provide for  
14 offenses or violations denominated or described in precisely  
15 the words employed in paragraph (a) of this Section, such  
16 party state shall construe the denominations and descriptions  
17 appearing in paragraph (a) hereof as being applicable to and  
18 identifying those offenses or violations of a substantially  
19 similar nature, and the laws of such party state shall contain  
20 such provision as may be necessary to ensure that full force  
21 and effect is given to this Section.

22 (Source: P.A. 76-1615.)

23 (625 ILCS 5/6-1002)

24 Sec. 6-1002. Enhanced skills driving school  
25 qualifications. In order to qualify for a license to operate



1 an enhanced skills driving school, each applicant must:

2 (1) Be of good moral character;

3 (2) Be at least 21 years of age;

4 (3) Maintain bodily injury and property damage  
5 liability insurance on motor vehicles while used in  
6 driving instruction, insuring the liability of the driving  
7 school, the driving instructors and any person taking  
8 instruction in at least the following amounts: \$500,000  
9 for bodily injury to or death of one person in any one  
10 crash ~~accident~~ and, subject to said limit for one person,  
11 \$1,000,000 for bodily injury to or death of 2 or more  
12 persons in any one crash ~~accident~~ and the amount of  
13 \$100,000 for damage to property of others in any one crash  
14 ~~accident~~. Evidence of such insurance coverage in the form  
15 of a certificate from the insurance carrier shall be filed  
16 with the Secretary of State, and such certificate shall  
17 stipulate that the insurance shall not be cancelled except  
18 upon 10 days' prior written notice to the Secretary of  
19 State;

20 (4) Have the equipment necessary to the giving of  
21 proper instruction in the operation of motor vehicles; and

22 (5) Pay to the Secretary of State an application fee  
23 of \$500 and \$50 for each branch application.

24 (Source: P.A. 96-740, eff. 1-1-10.)

25 (625 ILCS 5/6-1004)

1           Sec. 6-1004. Qualifications of enhanced skills driving  
2 school instructors. In order to qualify for a license as an  
3 instructor for an enhanced skills driving school, an applicant  
4 must:

5           (1) Be of good moral character;

6           (2) Have never been convicted of driving while under  
7 the influence of alcohol, other drugs, or a combination  
8 thereof; leaving the scene of a crash ~~an accident~~;  
9 reckless homicide or reckless driving;

10          (3) Be physically able to operate safely a motor  
11 vehicle and to train others in the operation of motor  
12 vehicles;

13          (4) Hold a valid drivers license; and

14          (5) Pay to the Secretary of State an application and  
15 license fee of \$70.

16 (Source: P.A. 96-740, eff. 1-1-10.)

17           (625 ILCS 5/6-1009)

18           Sec. 6-1009. Denial, cancellation, suspension, revocation,  
19 and failure to renew license. The Secretary may deny, cancel,  
20 suspend or revoke, or refuse to renew any enhanced skills  
21 driving school license or any enhanced skills driving school  
22 instructor license:

23           (1) When the Secretary is satisfied that the licensee  
24 fails to meet the requirements to receive or hold a  
25 license under this Code;

1           (2) Whenever the licensee fails to keep records  
2 required by this Code or by any rule prescribed by the  
3 Secretary;

4           (3) Whenever the licensee fails to comply with any  
5 provision of this Code or any rule of the Secretary made  
6 pursuant thereto;

7           (4) Whenever the licensee represents himself or  
8 herself as an agent or employee of the Secretary or uses  
9 advertising designed to lead or which would reasonably  
10 have the effect of leading persons to believe that such  
11 licensee is in fact an employee or representative of the  
12 Secretary;

13           (5) Whenever the licensee or any employee or agent of  
14 the licensee solicits driver training or instruction in an  
15 office of any department of the Secretary of State having  
16 to do with the administration of any law relating to motor  
17 vehicles, or within 1,500 feet of any such office; or

18           (6) Whenever the licensee is convicted of driving  
19 while under the influence of alcohol, other drugs, or a  
20 combination thereof; leaving the scene of a crash ~~an~~  
21 ~~accident~~; reckless homicide or reckless driving.

22 (Source: P.A. 96-740, eff. 1-1-10.)

23 (625 ILCS 5/Ch. 7 Art. II heading)

24 ARTICLE II. SECURITY FOLLOWING CRASH ~~ACCIDENT~~

1 (625 ILCS 5/7-201) (from Ch. 95 1/2, par. 7-201)

2 Sec. 7-201. Application of Article II. The Administrator  
3 as soon as practicable after the receipt of the report,  
4 required to be filed under Sections 11-406 and 11-410, of a  
5 motor vehicle crash ~~accident~~ occurring within this State and  
6 that has resulted in bodily injury or death of any person or  
7 that damage to the property of any one person in excess of  
8 \$1,500 (or \$500 if any of the vehicles involved in the crash  
9 ~~accident~~ is subject to Section 7-601 but is not covered by a  
10 liability insurance policy in accordance with Section 7-601)  
11 was sustained, shall determine:

12 1. Whether Section 7-202 of this Code requires the  
13 deposit of security by or on behalf of any person who was  
14 the operator or owner of any motor vehicle in any manner  
15 involved in the crash ~~accident~~; and

16 2. What amount of security shall be sufficient to  
17 satisfy any potential judgment or judgments for money  
18 damages resulting from the crash ~~accident~~ as may be  
19 recovered against the operator or owner, which amount  
20 shall in no event be less than \$1,500 (or \$500 if any of  
21 the vehicles involved in the crash ~~accident~~ is subject to  
22 Section 7-601 but is not covered by a liability insurance  
23 policy in accordance with Section 7-601).

24 (Source: P.A. 95-754, eff. 1-1-09.)

25 (625 ILCS 5/7-201.1) (from Ch. 95 1/2, par. 7-201.1)

1           Sec. 7-201.1. If the Administrator has not received a  
2 report required to be filed under Sections 11-406 and 11-410,  
3 or if the information contained in a report is insufficient,  
4 the Administrator shall send to the person required to file  
5 the report a written request for the missing report or the  
6 missing information. The Administrator shall send such request  
7 no later than 45 days after the crash ~~accident~~ or 7 days after  
8 receiving information that such crash ~~accident~~ has occurred,  
9 whichever is later.

10           If the request is sent to a driver involved in a crash ~~an~~  
11 ~~accident~~, the request or an attachment thereto shall contain  
12 in bold print a warning that failure to comply with the request  
13 within 15 days may result in the suspension of the driver's  
14 license.

15           (Source: P.A. 84-797.)

16           (625 ILCS 5/7-201.2) (from Ch. 95 1/2, par. 7-201.2)

17           Sec. 7-201.2. The Administrator, within 30 days after  
18 compiling sufficient information on a motor vehicle crash  
19 ~~accident~~, shall certify to the Secretary of State the name of  
20 each owner and the name of each operator of any vehicle  
21 involved in the crash ~~accident~~, his determination that  
22 security is required under this Code, and the amount of the  
23 security. The Administrator also shall supply to the Secretary  
24 of State a copy of any crash ~~accident~~ report requested by the  
25 Secretary.

1           The Administrator shall send a copy of the certification  
2 to each person whose name is certified. The copy, or an  
3 attachment thereto, shall contain in bold print an explanation  
4 that, because the person did not furnish the Department of  
5 Transportation with evidence that he or she is insured or  
6 otherwise able to pay for damages resulting from the crash  
7 ~~accident~~, the person's name has been forwarded to the  
8 Secretary of State for possible suspension of his or her  
9 driver's license.

10       (Source: P.A. 84-797.)

11           (625 ILCS 5/7-202) (from Ch. 95 1/2, par. 7-202)

12           Sec. 7-202. Exceptions to requirements of security. (a)  
13 The requirements as to security and suspension as provided by  
14 Sections 7-201 and 7-205 shall not apply:

15           1. To the driver or owner if such owner had in effect at  
16 the time of such motor vehicle crash ~~accident~~ a liability  
17 policy covering such driver and owner with respect to the  
18 vehicle involved in such motor vehicle crash ~~accident~~;

19           2. To the driver, if not the owner of such vehicle, if  
20 there was in effect at the time of such motor vehicle crash  
21 ~~accident~~ a liability policy or bond with respect to the  
22 operation of motor vehicles not owned by the driver;

23           3. To the driver or owner if the liability of such driver  
24 or owner for damages resulting from such motor vehicle crash  
25 ~~accident~~ is covered by any other form of liability insurance

1 policy or bond;

2 4. To the driver or owner, if such owner is qualified as a  
3 self-insurer as provided in Section 7-502;

4 5. To the owner if such owner at the time of such motor  
5 vehicle crash ~~accident~~ was in compliance with Section 8-101 or  
6 Section 9-101;

7 6. To the driver or owner if such owner at the time of such  
8 motor vehicle crash ~~accident~~ was in compliance with the  
9 Federal Revised Interstate Commerce Act (P.L. 95-473), as now  
10 or hereafter amended;

11 7. To the owner if the vehicle involved in such motor  
12 vehicle crash ~~accident~~ was owned by the United States, this  
13 State or any political sub-division of this State, any  
14 municipality therein, or any local Mass Transit District;

15 8. To the driver or the owner of a vehicle involved in a  
16 motor vehicle crash ~~accident~~ wherein no injury or damage was  
17 caused to the person or property of any one other than such  
18 driver or owner;

19 9. To the driver or the owner of a vehicle which at the  
20 time of the motor vehicle crash ~~accident~~ was parked, unless  
21 such vehicle was parked at a place where parking was at the  
22 time of the crash ~~accident~~ prohibited under any applicable law  
23 or ordinance;

24 10. To the owner of a vehicle if at the time of the motor  
25 vehicle crash ~~accident~~ the vehicle was being operated without  
26 his permission, express or implied, or was parked by a person

1 who had been operating such motor vehicle without such  
2 permission;

3 11. To the driver, if not the owner, of a commercial motor  
4 vehicle on which there was no liability policy or bond with  
5 respect to the operation of such vehicle in effect at the time  
6 of the motor vehicle crash ~~accident~~ when the driver was  
7 operating the vehicle in the course of the driver's employment  
8 and had no actual knowledge of such lack of a liability policy  
9 or bond prior to the motor vehicle crash ~~accident~~.

10 (b) If at the time of the motor vehicle crash ~~accident~~, an  
11 owner or driver is covered by a motor vehicle liability policy  
12 or bond meeting the requirements of this Code, such owner or  
13 driver shall be exempt from suspension under Section 7-205 as  
14 to that motor vehicle crash ~~accident~~, if the company issuing  
15 the policy or bond has failed, and such policy or bond was not  
16 effective at the time of the motor vehicle crash ~~accident~~ or  
17 any time thereafter, provided, that the owner or driver had no  
18 knowledge of the company's failure prior to the motor vehicle  
19 crash ~~accident~~, and such owner or driver has secured within 30  
20 days after learning of such failure another liability policy  
21 or bond meeting the requirements of the Code relating to  
22 future occurrences or motor vehicle crashes ~~accidents~~.

23 As used in this paragraph, the words "failed" or "failure"  
24 mean that the company has suspended operations by order of a  
25 court.

26 (Source: P.A. 85-293.)



1 (625 ILCS 5/7-203) (from Ch. 95 1/2, par. 7-203)

2 Sec. 7-203. Requirements as to policy or bond. No such  
3 policy or bond referred to in Section 7-202 shall be effective  
4 under this Section unless issued by an insurance company or  
5 surety company authorized to do business in this State, except  
6 that if such motor vehicle was not registered in this State, or  
7 was a motor vehicle which was registered elsewhere than in  
8 this State at the effective date of the policy or bond, or the  
9 most recent renewal thereof, such policy or bond shall not be  
10 effective under this Section unless the insurance company or  
11 surety company, if not authorized to do business in this  
12 State, shall execute a power of attorney authorizing the  
13 Secretary of State to accept service on its behalf of notice or  
14 process in any action upon such policy or bond arising out of  
15 such motor vehicle crash ~~accident~~. However, every such policy  
16 or bond is subject, if the motor vehicle crash ~~accident~~ has  
17 resulted in bodily injury or death, to a limit, exclusive of  
18 interest and costs, of not less than \$25,000 because of bodily  
19 injury to or death of any one person in any one motor vehicle  
20 crash ~~accident~~ and, subject to said limit for one person, to a  
21 limit of not less than \$50,000 because of bodily injury to or  
22 death of 2 or more persons in any one motor vehicle crash  
23 ~~accident~~, and, if the motor vehicle crash ~~accident~~ has  
24 resulted in injury to or destruction of property, to a limit of  
25 not less than \$20,000 because of injury to or destruction of

1 property of others in any one motor vehicle crash ~~accident~~.  
2 The changes to this Section made by this amendatory Act of the  
3 98th General Assembly apply only to policies issued or renewed  
4 on or after January 1, 2015.

5 Upon receipt of a written motor vehicle crash ~~accident~~  
6 report from the Administrator the insurance company or surety  
7 company named in such notice shall notify the Administrator  
8 within such time and in such manner as the Administrator may  
9 require, in case such policy or bond was not in effect at the  
10 time of such motor vehicle crash ~~accident~~.

11 (Source: P.A. 98-519, eff. 1-1-15.)

12 (625 ILCS 5/7-204) (from Ch. 95 1/2, par. 7-204)

13 Sec. 7-204. Form and amount of security - Definition.

14 (A) Any security required to be deposited under this Act  
15 shall be in the form as the Secretary of State may require by  
16 administrative rule, and in the amounts as the Administrator  
17 may determine to be sufficient to satisfy any judgment or  
18 judgments for damages against an operator or owner but in no  
19 case in excess of the limits specified in Section 7-203 of this  
20 Act in reference to the acceptable limits of a policy or bond  
21 nor for an amount less than \$1,500 (or \$500 if any of the  
22 vehicles involved in the crash ~~accident~~ is subject to Section  
23 7-601 but is not covered by a liability insurance policy in  
24 accordance with Section 7-601).

25 (B) The person depositing security shall specify in

1 writing the person or persons on whose behalf the deposit is  
2 made and, while at any time the deposit is in the custody of  
3 the Secretary of State or State Treasurer, the person  
4 depositing it may, in writing, amend the specification of the  
5 person or persons on whose behalf the deposit is made to  
6 include an additional person or persons; provided, however,  
7 that a single deposit of security shall be applicable only on  
8 behalf of persons, required to furnish security because of the  
9 same crash ~~accident~~.

10 (C) Within 10 days after any security required under the  
11 provisions of this Article is deposited with the Secretary of  
12 State, the Secretary shall send notice of the security deposit  
13 to the following, if known:

14 1. To each owner and operator of any vehicle involved  
15 in the crash ~~accident~~ that sustained damage in excess of  
16 \$1,500 (or \$500 if any of the vehicles involved in the  
17 crash ~~accident~~ is subject to Section 7-601 but is not  
18 covered by a liability insurance policy in accordance with  
19 Section 7-601);

20 2. To any person who sustained damage to personal or  
21 real property in excess of \$1,500 (or \$500 if any of the  
22 vehicles involved in the crash ~~accident~~ is subject to  
23 Section 7-601 but is not covered by a liability insurance  
24 policy in accordance with Section 7-601);

25 3. To any person who was injured as a result of the  
26 crash ~~accident~~; and

1           4. To the estate of any person killed as a result of  
2           the crash ~~accident~~.

3           (Source: P.A. 95-754, eff. 1-1-09.)

4           (625 ILCS 5/7-208) (from Ch. 95 1/2, par. 7-208)

5           Sec. 7-208. Agreements for payment of damages. (a) Any 2  
6           or more of the persons involved in a motor vehicle crash  
7           ~~accident~~ subject to the provisions of Section 7-201 or their  
8           authorized representatives, may at any time enter into a  
9           written agreement for the payment of an agreed amount in  
10          installments, with respect to all claims for injuries or  
11          damages resulting from the motor vehicle crash ~~accident~~.

12          (b) The Secretary of State, to the extent provided by any  
13          such written agreement properly filed with him, shall not  
14          require the deposit of security and shall terminate any prior  
15          order of suspension, or, if security has previously been  
16          deposited, the Secretary of State shall immediately return  
17          such security to the depositor or an appropriate personal  
18          representative.

19          (c) In the event of a default in any payment under such  
20          agreement and upon notice of such default the Secretary of  
21          State shall forthwith suspend the driver's license and  
22          registration, or nonresident's operating privileges, of such  
23          person in default which shall not be restored unless and  
24          until:

25                 1. Such person deposits and thereafter maintains

1 security as required under Section 7-201 in such amount as  
2 the Secretary of State may then determine,

3 2. Two years have elapsed since the acceptance of the  
4 notice of default by the Secretary of State and during  
5 such period no action upon such agreement has been  
6 instituted in any court having jurisdiction, or

7 3. The person enters into a second written agreement  
8 for the payment of an agreed amount in installments with  
9 respect to all claims for injuries or damages resulting  
10 from the motor vehicle crash ~~accident~~.

11 (Source: P.A. 90-774, eff. 8-14-98.)

12 (625 ILCS 5/7-209) (from Ch. 95 1/2, par. 7-209)

13 Sec. 7-209. Payment upon judgment. The payment of a  
14 judgment arising out of a motor vehicle crash ~~accident~~ or the  
15 payment upon such judgment of an amount equal to the maximum  
16 amount which could be required for deposit under this Article  
17 shall for the purposes of this Code be deemed satisfied.

18 (Source: P.A. 83-831.)

19 (625 ILCS 5/7-211) (from Ch. 95 1/2, par. 7-211)

20 Sec. 7-211. Duration of suspension.

21 (a) Unless a suspension is terminated under other  
22 provisions of this Code, the driver's license or registration  
23 and nonresident's operating privilege suspended as provided in  
24 Section 7-205 shall remain suspended and shall not be renewed

1 nor shall any license or registration be issued to the person  
2 until:

3 1. The person deposits or there shall be deposited and  
4 filed on the person's behalf the security required under  
5 Section 7-201;

6 2. Two years have elapsed following the date the  
7 driver's license and registrations were suspended and  
8 evidence satisfactory to the Secretary of State that  
9 during the period no action for damages arising out of a  
10 motor vehicle crash ~~accident~~ has been properly filed;

11 3. Receipt of proper notice that the person has filed  
12 bankruptcy which would include all claims for personal  
13 injury and property damage resulting from the crash  
14 ~~accident~~;

15 4. After the expiration of 5 years from the date of the  
16 crash ~~accident~~, the Secretary of State has not received  
17 documentation that any action at law for damages arising  
18 out of the motor vehicle crash ~~accident~~ has been filed  
19 against the person; or

20 5. The statute of limitations has expired and the  
21 person seeking reinstatement provides evidence  
22 satisfactory to the Secretary of State that, during the  
23 statute of limitations period, no action for damages  
24 arising out of a motor vehicle crash ~~accident~~ has been  
25 properly filed.

26 An affidavit that no action at law for damages arising out

1 of the motor vehicle crash ~~accident~~ has been filed against the  
2 applicant, or if filed that it is not still pending shall be  
3 prima facie evidence of that fact. The Secretary of State may  
4 take whatever steps are necessary to verify the statement set  
5 forth in the applicant's affidavit.

6 (b) The driver's license or registration and nonresident's  
7 operating privileges suspended as provided in Section 7-205  
8 shall also remain suspended and shall not be renewed nor shall  
9 any license or registration be issued to the person until the  
10 person gives proof of his or her financial responsibility in  
11 the future as provided in Section 1-164.5. The proof is to be  
12 maintained by the person in a manner satisfactory to the  
13 Secretary of State for a period of 3 years after the date the  
14 proof is first filed.

15 (Source: P.A. 102-52, eff. 1-1-22.)

16 (625 ILCS 5/7-212) (from Ch. 95 1/2, par. 7-212)

17 Sec. 7-212. Authority of Administrator and Secretary of  
18 State to decrease amount of security. The Administrator may  
19 reduce the amount of security ordered in any case within one  
20 year after the date of the crash ~~accident~~, but in no event for  
21 an amount less than \$1,500 (or \$500 if any of the vehicles  
22 involved in the crash ~~accident~~ is subject to Section 7-601 but  
23 is not covered by a liability insurance policy in accordance  
24 with Section 7-601), if, in the judgment of the Administrator  
25 the amount ordered is excessive, or may revoke or rescind its

1 order requiring the deposit of security in any case within one  
2 year after the date of the crash ~~accident~~ if, in the judgment  
3 of the Administrator, the provisions of Sections 7-202 and  
4 7-203 excuse or exempt the operator or owner from the  
5 requirement of the deposit. In case the security originally  
6 ordered has been deposited the excess of the reduced amount  
7 ordered shall be returned to the depositor or his or her  
8 personal representative forthwith, notwithstanding the  
9 provisions of Section 7-214. The Secretary of State likewise  
10 shall have authority granted to the Administrator to reduce  
11 the amount of security ordered by the Administrator.

12 (Source: P.A. 95-754, eff. 1-1-09.)

13 (625 ILCS 5/7-214) (from Ch. 95 1/2, par. 7-214)

14 Sec. 7-214. Disposition of security. Such security shall  
15 be applicable only to the payment of a judgment or judgments,  
16 rendered against the person or persons on whose behalf the  
17 deposit was made, for damages arising out of the crash  
18 ~~accident~~ in question, in an action at law, begun not later than  
19 the later of (i) the expiration of the relevant statute of  
20 limitations or (ii) 2 years after the date of any default in  
21 any payment under an installment agreement for payment of  
22 damages, and such deposit or any balance thereof shall be  
23 returned to the depositor or his or her personal  
24 representative when evidence satisfactory to the Secretary of  
25 State has been filed with him:



1           1. that there has been a release from liability, or a  
2           final adjudication of non-liability; or

3           2. a duly acknowledged written agreement in accordance  
4           with Section 7-208 of this Act; or

5           3. whenever after the expiration of the statute of  
6           limitations or (ii) 2 years after the date of any default  
7           in any payment under an installment agreement for payment  
8           of damages, the Secretary of State shall be given  
9           reasonable evidence that there is no such action pending  
10          and no judgment rendered in such action left unpaid.

11          If, after releasing security to a judgment debtor or  
12          claimant, the balance of the security posted with the  
13          Secretary is \$5 or less, the balance shall be transferred to  
14          the General Revenue Fund. The Secretary shall compile a list  
15          of all security amounts of \$5 or less annually in July and  
16          shall certify that amount to the State Comptroller. As soon as  
17          possible after receiving the certification, the State  
18          Comptroller shall order transferred and the State Treasurer  
19          shall transfer the amount certified to the General Revenue  
20          Fund.

21          (Source: P.A. 102-52, eff. 1-1-22.)

22           (625 ILCS 5/7-216) (from Ch. 95 1/2, par. 7-216)

23           Sec. 7-216. Reciprocity; residents and nonresidents;  
24           licensing of nonresidents.

25           (a) When a nonresident's operating privilege is suspended

1 pursuant to Section 7-205 the Secretary of State shall  
2 transmit a certified copy of the record of such action to the  
3 official in charge of the issuance of driver's license and  
4 registration certificates in the state in which such  
5 nonresident resides, if the law of such other state provides  
6 for action in relation thereto similar to that provided for in  
7 subsection (b).

8 (b) Upon receipt of such certification that the operating  
9 privilege of a resident of this State has been suspended or  
10 revoked in any such other state pursuant to a law providing for  
11 its suspension or revocation for failure to deposit security  
12 for the payment of judgments arising out of a motor vehicle  
13 crash ~~accident~~, or for failure to deposit security under  
14 circumstances which would require the Secretary of State to  
15 suspend a nonresident's operating privilege had the motor  
16 vehicle crash ~~accident~~ occurred in this State, the Secretary  
17 of State shall suspend the driver's license of such resident  
18 and all other registrations. Such suspension shall continue  
19 until such resident furnishes evidence of compliance with the  
20 law of such other state relating to the deposit of such  
21 security.

22 (c) In case the operator or the owner of a motor vehicle  
23 involved in a motor vehicle crash ~~accident~~ within this State  
24 has no driver's license or registration, such operator shall  
25 not be allowed a driver's license or registration until the  
26 operator has complied with the requirements of Sections 7-201

1 through 7-216 to the same extent that would be necessary if, at  
2 the time of the motor vehicle crash ~~accident~~, such operator  
3 had held a license and registration.

4 (Source: P.A. 100-863, eff. 8-14-18.)

5 (625 ILCS 5/7-303) (from Ch. 95 1/2, par. 7-303)

6 Sec. 7-303. Suspension of driver's licenses, registration  
7 certificates, license plates or digital license plates, and  
8 registration stickers or digital registration stickers for  
9 failure to satisfy judgment.

10 (a) The Secretary of State shall, except as provided in  
11 paragraph (d), suspend the driver's license issued to any  
12 person upon receiving an authenticated report as hereinafter  
13 provided for in Section 7-307 that the person has failed for a  
14 period of 30 days to satisfy any final judgment in amounts as  
15 hereinafter stated, and shall also suspend the registration  
16 certificate, license plates or digital license plates, and  
17 registration sticker or digital registration sticker of the  
18 judgment debtor's motor vehicle involved in the crash as  
19 indicated in the authenticated report.

20 (b) The term "judgment" shall mean: A final judgment of  
21 any court of competent jurisdiction of any State, against a  
22 person as defendant for damages on account of bodily injury to  
23 or death of any person or damages to property resulting from  
24 the operation, on and after July 12, 1938, of any motor  
25 vehicle.

1 (c) The term "State" shall mean: Any State, Territory, or  
2 possession of the United States, the District of Columbia, or  
3 any province of the Dominion of Canada.

4 (d) The Secretary of State shall not suspend the driver's  
5 license, registration certificates, registration stickers or  
6 digital registration stickers, or license plates or digital  
7 license plates of the judgment debtor, nor shall such judgment  
8 debtor be subject to the suspension provisions of Sections  
9 7-308 and 7-309 if all the following conditions are met:

10 1. At the time of the motor vehicle crash ~~accident~~  
11 which gave rise to the unsatisfied judgment the judgment  
12 debtor was covered by a motor vehicle liability policy or  
13 bond meeting the requirements of this Chapter;

14 2. The insurance company which issued the policy or  
15 bond has failed and has suspended operations by order of a  
16 court;

17 3. The judgment debtor had no knowledge of the  
18 insurance company's failure prior to the motor vehicle  
19 crash ~~accident~~;

20 4. Within 30 days after learning of the insurance  
21 company's failure the judgment debtor secured another  
22 liability policy or bond meeting the requirements of this  
23 Article relating to future occurrences or crashes  
24 ~~accidents~~;

25 5. The insurance company which issued the motor  
26 vehicle liability policy or bond that covered the judgment

1 debtor at the time of the motor vehicle crash ~~accident~~ is  
2 unable to satisfy the judgment in the amounts specified in  
3 Section 7-311;

4 6. The judgment debtor presents to the Secretary of  
5 State such certified documents or other proofs as the  
6 Secretary of State may require that all of the conditions  
7 set forth in this Section have been met.

8 (Source: P.A. 101-395, eff. 8-16-19.)

9 (625 ILCS 5/7-309) (from Ch. 95 1/2, par. 7-309)

10 Sec. 7-309. Suspension to continue until judgments paid  
11 and proof given.

12 (a) The suspension of such driver's license, license  
13 plates and registration stickers shall remain in effect and no  
14 other vehicle shall be registered in the name of such judgment  
15 debtor, nor any new license issued to such person (including  
16 any such person not previously licensed), unless and until the  
17 Secretary of State receives authenticated documentation that  
18 such judgment is satisfied, or dormant as provided for in  
19 Section 12-108 of the Code of Civil Procedure, as now or  
20 hereafter amended, or stayed by court order, and the judgment  
21 debtor gives proof of financial responsibility, as hereinafter  
22 provided. The Secretary of State may terminate the suspension  
23 of such person's driver's license, license plates and  
24 registration stickers and no proof of financial responsibility  
25 shall be required on any existing suspensions under this

1 Article which are more than 20 years old.

2 (b) Whenever, after one judgment is satisfied and proof of  
3 financial responsibility is given as herein required, another  
4 such judgment is rendered against the judgment debtor for any  
5 motor vehicle crash ~~accident~~ occurring prior to the date of  
6 the giving of said proof and such person fails to satisfy the  
7 latter judgment within the amounts specified herein within 30  
8 days after the same becomes final, then the Secretary of State  
9 shall again suspend the driver's license of such judgment  
10 debtor and shall again suspend the registration of any vehicle  
11 registered in the name of such judgment debtor as owner. Such  
12 driver's license and registration shall not be renewed nor  
13 shall a driver's license and registration of any vehicle be  
14 issued to such judgment debtor while such latter judgment  
15 remains in effect and unsatisfied within the amount specified  
16 herein.

17 (Source: P.A. 90-655, eff. 7-30-98.)

18 (625 ILCS 5/7-310) (from Ch. 95 1/2, par. 7-310)

19 Sec. 7-310. Petition for discharge filed in bankruptcy. A  
20 petition for discharge filed in bankruptcy following the  
21 rendering of any judgment shall relieve the judgment debtor  
22 from the requirements of this Chapter 7, except that the  
23 judgment debtor's drivers license shall remain suspended and  
24 may not be renewed, and the judgment debtor may not be issued a  
25 license or registration, until the judgment debtor gives proof

1 of his or her financial responsibility in the future, as  
2 provided in Section 1-164.5. The proof is to be maintained by  
3 the judgment debtor, in a manner satisfactory to the Secretary  
4 of State, for a period of 3 years after the date on which the  
5 proof is first filed.

6 A petition for discharge filed in bankruptcy of the owner  
7 or lessee of a commercial vehicle by whom the judgment debtor  
8 is employed at the time of the motor vehicle crash ~~accident~~  
9 that gives rise to the judgment also shall relieve the  
10 judgment debtor so employed from any of the requirements of  
11 this Chapter 7 if the discharge of the owner or lessee follows  
12 the rendering of the judgment and if the judgment debtor so  
13 employed was operating the commercial vehicle in connection  
14 with his or her regular employment or occupation at the time of  
15 the crash ~~accident~~. This amendatory act of 1985 applies to all  
16 cases irrespective of whether the crash ~~accident~~ giving rise  
17 to the suspension of license or registration occurred before,  
18 on, or after its effective date.

19 (Source: P.A. 93-982, eff. 1-1-05.)

20 (625 ILCS 5/7-311) (from Ch. 95 1/2, par. 7-311)

21 Sec. 7-311. Payments sufficient to satisfy requirements.

22 (a) Judgments herein referred to arising out of motor  
23 vehicle crashes ~~accidents~~ occurring on or after January 1,  
24 2015 (the effective date of Public Act 98-519) shall for the  
25 purpose of this Chapter be deemed satisfied:

1           1. when \$25,000 has been credited upon any judgment or  
2 judgments rendered in excess of that amount for bodily  
3 injury to or the death of one person as the result of any  
4 one motor vehicle crash ~~accident~~; or

5           2. when, subject to said limit of \$25,000 as to any one  
6 person, the sum of \$50,000 has been credited upon any  
7 judgment or judgments rendered in excess of that amount  
8 for bodily injury to or the death of more than one person  
9 as the result of any one motor vehicle crash ~~accident~~; or

10          3. when \$20,000 has been credited upon any judgment or  
11 judgments, rendered in excess of that amount for damages  
12 to property of others as a result of any one motor vehicle  
13 crash ~~accident~~.

14          The changes to this subsection made by Public Act 98-519  
15 apply only to policies issued or renewed on or after January 1,  
16 2015.

17          (b) Credit for such amounts shall be deemed a satisfaction  
18 of any such judgment or judgments in excess of said amounts  
19 only for the purposes of this Chapter.

20          (c) Whenever payment has been made in settlement of any  
21 claim for bodily injury, death, or property damage arising  
22 from a motor vehicle crash ~~accident~~ resulting in injury,  
23 death, or property damage to two or more persons in such crash  
24 ~~accident~~, any such payment shall be credited in reduction of  
25 the amounts provided for in this Section.

26          (Source: P.A. 99-78, eff. 7-20-15; 100-201, eff. 8-18-17.)



1 (625 ILCS 5/7-316) (from Ch. 95 1/2, par. 7-316)

2 Sec. 7-316. Certificate furnished by nonresident as proof.  
3 Any nonresident owner of a motor vehicle not registered in  
4 this State may give proof of financial responsibility by  
5 filing with the Secretary of State a certificate or  
6 certificates of an insurance carrier authorized to transact  
7 business in the state or province of the Dominion of Canada in  
8 which the motor vehicle or motor vehicles described in such  
9 certificate are registered, or if such nonresident does not  
10 own a motor vehicle then in the state or province of the  
11 Dominion of Canada in which the insured resides, and otherwise  
12 conforming to the provisions of this Code, and the Secretary  
13 of State shall accept the same if such carrier shall:

14 1. Execute a power of attorney authorizing the Secretary  
15 of State to accept service on its behalf of notice of process  
16 in any action arising out of a motor vehicle crash ~~accident~~ in  
17 this State;

18 2. Duly adopt a resolution which shall be binding upon it  
19 declaring that its policies shall be deemed to be varied to  
20 comply with the laws of this State relating to the terms of  
21 motor vehicle liability policies as required by Section 7-317;  
22 and

23 3. Agree to accept as final and binding any final judgment  
24 duly rendered in any action arising out of a motor vehicle  
25 crash ~~accident~~ in any court of competent jurisdiction in this

1 State.

2 (Source: P.A. 83-831.)

3 (625 ILCS 5/7-317) (from Ch. 95 1/2, par. 7-317)

4 Sec. 7-317. "Motor vehicle liability policy" defined.

5 (a) Certification. -A "motor vehicle liability policy", as  
6 that term is used in this Act, means an "owner's policy" or an  
7 "operator's policy" of liability insurance, certified as  
8 provided in Section 7-315 or Section 7-316 as proof of  
9 financial responsibility for the future, and issued, except as  
10 otherwise provided in Section 7-316, by an insurance carrier  
11 duly authorized to transact business in this State, to or for  
12 the benefit of the person named therein as insured.

13 (b) Owner's Policy. --Such owner's policy of liability  
14 insurance:

15 1. Shall designate by explicit description or by  
16 appropriate reference, all motor vehicles with respect to  
17 which coverage is thereby intended to be granted;

18 2. Shall insure the person named therein and any other  
19 person using or responsible for the use of such motor  
20 vehicle or vehicles with the express or implied permission  
21 of the insured;

22 3. Shall insure every named insured and any other  
23 person using or responsible for the use of any motor  
24 vehicle owned by the named insured and used by such other  
25 person with the express or implied permission of the named

1 insured on account of the maintenance, use or operation of  
2 any motor vehicle owned by the named insured, within the  
3 continental limits of the United States or the Dominion of  
4 Canada against loss from liability imposed by law arising  
5 from such maintenance, use or operation, to the extent and  
6 aggregate amount, exclusive of interest and cost, with  
7 respect to each motor vehicle, of \$25,000 for bodily  
8 injury to or death of one person as a result of any one  
9 crash ~~accident~~ and, subject to such limit as to one  
10 person, the amount of \$50,000 for bodily injury to or  
11 death of all persons as a result of any one crash ~~accident~~  
12 and the amount of \$20,000 for damage to property of others  
13 as a result of any one crash ~~accident~~. The changes to this  
14 paragraph made by this amendatory Act of the 98th General  
15 Assembly apply only to policies issued or renewed on or  
16 after January 1, 2015.

17 (c) Operator's Policy. --When an operator's policy is  
18 required, it shall insure the person named therein as insured  
19 against the liability imposed by law upon the insured for  
20 bodily injury to or death of any person or damage to property  
21 to the amounts and limits above set forth and growing out of  
22 the use or operation by the insured within the continental  
23 limits of the United States or the Dominion of Canada of any  
24 motor vehicle not owned by him.

25 (d) Required Statements in Policies. --Every motor vehicle  
26 liability policy must specify the name and address of the

1 insured, the coverage afforded by the policy, the premium  
2 charged therefor, the policy period, and the limits of  
3 liability, and shall contain an agreement that the insurance  
4 thereunder is provided in accordance with the coverage defined  
5 in this Act, as respects bodily injury and death or property  
6 damage or both, and is subject to all the provisions of this  
7 Act.

8 (e) Policy Need Not Insure Workers' Compensation. --Any  
9 liability policy or policies issued hereunder need not cover  
10 any liability of the insured assumed by or imposed upon the  
11 insured under any workers' compensation law nor any liability  
12 for damage to property in charge of the insured or the  
13 insured's employees.

14 (f) Provisions Incorporated in Policy. --Every motor  
15 vehicle liability policy is subject to the following  
16 provisions which need not be contained therein:

17 1. The liability of the insurance carrier under any  
18 such policy shall become absolute whenever loss or damage  
19 covered by the policy occurs and the satisfaction by the  
20 insured of a final judgment for such loss or damage shall  
21 not be a condition precedent to the right or obligation of  
22 the carrier to make payment on account of such loss or  
23 damage.

24 2. No such policy may be cancelled or annulled as  
25 respects any loss or damage, by any agreement between the  
26 carrier and the insured after the insured has become

1 responsible for such loss or damage, and any such  
2 cancellation or annulment shall be void.

3 3. The insurance carrier shall, however, have the  
4 right to settle any claim covered by the policy, and if  
5 such settlement is made in good faith, the amount thereof  
6 shall be deductible from the limits of liability specified  
7 in the policy.

8 4. The policy, the written application therefor, if  
9 any, and any rider or endorsement which shall not conflict  
10 with the provisions of this Act shall constitute the  
11 entire contract between the parties.

12 (g) Excess or Additional Coverage. --Any motor vehicle  
13 liability policy may, however, grant any lawful coverage in  
14 excess of or in addition to the coverage herein specified or  
15 contain any agreements, provisions, or stipulations not in  
16 conflict with the provisions of this Act and not otherwise  
17 contrary to law.

18 (h) Reimbursement Provision Permitted. --The policy may  
19 provide that the insured, or any other person covered by the  
20 policy shall reimburse the insurance carrier for payment made  
21 on account of any loss or damage claim or suit involving a  
22 breach of the terms, provisions or conditions of the policy;  
23 and further, if the policy shall provide for limits in excess  
24 of the limits specified in this Act, the insurance carrier may  
25 plead against any plaintiff, with respect to the amount of  
26 such excess limits of liability, any defense which it may be

1 entitled to plead against the insured.

2 (i) Proration of Insurance Permitted. --The policy may  
3 provide for the pro-rating of the insurance thereunder with  
4 other applicable valid and collectible insurance.

5 (j) Binders. --Any binder pending the issuance of any  
6 policy, which binder contains or by reference includes the  
7 provisions hereunder shall be sufficient proof of ability to  
8 respond in damages.

9 (k) Copy of Policy to Be Filed with Department of  
10 Insurance--Approval. --A copy of the form of every motor  
11 vehicle liability policy which is to be used to meet the  
12 requirements of this Act must be filed, by the company  
13 offering such policy, with the Department of Insurance, which  
14 shall approve or disapprove the policy within 30 days of its  
15 filing. If the Department approves the policy in writing  
16 within such 30 day period or fails to take action for 30 days,  
17 the form of policy shall be deemed approved as filed. If within  
18 the 30 days the Department disapproves the form of policy  
19 filed upon the ground that it does not comply with the  
20 requirements of this Act, the Department shall give written  
21 notice of its decision and its reasons therefor to the carrier  
22 and the policy shall not be accepted as proof of financial  
23 responsibility under this Act.

24 (l) Insurance Carrier Required to File Certificate. --An  
25 insurance carrier who has issued a motor vehicle liability  
26 policy or policies or an operator's policy meeting the

1 requirements of this Act shall, upon the request of the  
2 insured therein, deliver to the insured for filing, or at the  
3 request of the insured, shall file direct, with the Secretary  
4 of State a certificate, as required by this Act, which shows  
5 that such policy or policies have been issued. No insurance  
6 carrier may require the payment of any extra fee or surcharge,  
7 in addition to the insurance premium, for the execution,  
8 delivery or filing of such certificate.

9 (m) Proof When Made By Endorsement. --Any motor vehicle  
10 liability policy which by endorsement contains the provisions  
11 required hereunder shall be sufficient proof of ability to  
12 respond in damages.

13 (Source: P.A. 98-519, eff. 1-1-15.)

14 (625 ILCS 5/7-328) (from Ch. 95 1/2, par. 7-328)

15 Sec. 7-328. Duration of proof - When proof may be canceled  
16 or returned. The Secretary of State shall upon request cancel  
17 any bond or return any certificate of insurance, or the  
18 Secretary of State shall direct and the State Treasurer shall  
19 return to the person entitled thereto any money or securities,  
20 deposited pursuant to this Chapter as proof of financial  
21 responsibility or waive the requirements of filing proof of  
22 financial responsibility in any of the following events:

23 1. In the event of the death of the person on whose behalf  
24 such proof was filed, or the permanent incapacity of such  
25 person to operate a motor vehicle;

1           2. In the event the person who has given proof of financial  
2 responsibility surrenders such person's driver's license,  
3 registration certificates, license plates and registration  
4 stickers, but the Secretary of State shall not release such  
5 proof in the event any action for damages upon a liability  
6 referred to in this Article is then pending or any judgment  
7 upon any such liability is then outstanding and unsatisfied or  
8 in the event the Secretary of State has received notice that  
9 such person has, within the period of 3 months immediately  
10 preceding, been involved as a driver in any motor vehicle  
11 crash ~~accident~~. An affidavit of the applicant of the  
12 nonexistence of such facts shall be sufficient evidence  
13 thereof in the absence of evidence to the contrary in the  
14 records of the Secretary of State. Any person who has not  
15 completed the required 3 year period of proof of financial  
16 responsibility pursuant to Section 7-304, and to whom proof  
17 has been surrendered as provided in this paragraph applies for  
18 a driver's license or the registration of a motor vehicle  
19 shall have the application denied unless the applicant  
20 re-establishes such proof for the remainder of such period.

21           3. In the event that proof of financial responsibility has  
22 been deposited voluntarily, at any time upon request of the  
23 person entitled thereto, provided that the person on whose  
24 behalf such proof was given has not, during the period between  
25 the date of the original deposit thereof and the date of such  
26 request, been convicted of any offense for which revocation is



1 mandatory as provided in Section 6-205; provided, further,  
2 that no action for damages is pending against such person on  
3 whose behalf such proof of financial responsibility was  
4 furnished and no judgment against such person is outstanding  
5 and unsatisfied in respect to bodily injury, or in respect to  
6 damage to property resulting from the ownership, maintenance,  
7 use or operation hereafter of a motor vehicle. An affidavit of  
8 the applicant under this Section shall be sufficient evidence  
9 of the facts in the absence of evidence to the contrary in the  
10 records of the Secretary of State.

11 (Source: P.A. 85-321.)

12 (625 ILCS 5/7-329) (from Ch. 95 1/2, par. 7-329)

13 Sec. 7-329. Proof of financial responsibility made  
14 voluntarily. 1. Proof of financial responsibility may be  
15 voluntarily by or on behalf of any person. The privilege of  
16 operation of any motor vehicle within this State by such  
17 person shall not be suspended or withdrawn under the  
18 provisions of this Article if such proof of financial  
19 responsibility has been voluntarily filed or deposited prior  
20 to the offense or crash ~~accident~~ out of which any conviction,  
21 judgment, or order arises and if such proof, at the date of  
22 such conviction, judgment, or order, is valid and sufficient  
23 for the requirements of this Code.

24 2. If the Secretary of State receives record of any  
25 conviction or judgment against such person which, in the

1 absence of such proof of financial responsibility would have  
2 caused the suspension of the driver's license of such person,  
3 the Secretary of State shall forthwith notify the insurer or  
4 surety of such person of the conviction or judgment so  
5 reported.

6 (Source: P.A. 83-831.)

7 (625 ILCS 5/7-502) (from Ch. 95 1/2, par. 7-502)

8 Sec. 7-502. Self-insurers. Any person in whose name more  
9 than 25 motor vehicles are registered may qualify as a  
10 self-insurer by obtaining a certificate of self-insurance  
11 issued by the Director of the Department of Insurance as  
12 provided in this Section.

13 The Director may, in his discretion, upon the application  
14 of such a person, issue a certificate of self-insurance when  
15 he is satisfied that such person is possessed and will  
16 continue to be possessed of ability to pay judgment obtained  
17 against such person.

18 Upon not less than 5 days' notice, and a hearing pursuant  
19 to such notice, the Director may upon reasonable grounds  
20 cancel a certificate of self-insurance. Failure to pay any  
21 judgment against any person covered by such certificate of  
22 self-insurance and arising out of any crash ~~accident~~ in which  
23 a motor vehicle covered by such certificate of self-insurance  
24 has been involved within 30 days after such judgment shall  
25 have become final shall constitute a reasonable ground for the

1 cancellation of a certificate of self-insurance.

2 (Source: P.A. 82-138.)

3 (625 ILCS 5/7-504)

4 Sec. 7-504. Emergency telephone system outages;  
5 reimbursement. Any person who negligently causes a motor  
6 vehicle crash ~~accident~~ that causes an emergency telephone  
7 system outage must reimburse the public safety agency that  
8 provides personnel to answer calls or to maintain or operate  
9 an emergency telephone system during the outage for the  
10 agency's costs associated with answering calls or maintaining  
11 or operating the system during the outage. For the purposes of  
12 this Section, "public safety agency" means the same as in  
13 Section 2.02 of the Emergency Telephone System Act.

14 (Source: P.A. 92-149, eff. 1-1-02.)

15 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

16 Sec. 7-604. Verification of liability insurance policy.

17 (a) The Secretary of State may select random samples of  
18 registrations of motor vehicles subject to Section 7-601 of  
19 this Code, or owners thereof, for the purpose of verifying  
20 whether or not the motor vehicles are insured.

21 In addition to such general random samples of motor  
22 vehicle registrations, the Secretary may select for  
23 verification other random samples, including, but not limited  
24 to registrations of motor vehicles owned by persons:

1 (1) whose motor vehicle registrations during the  
2 preceding 4 years have been suspended pursuant to Section  
3 7-606 or 7-607 of this Code;

4 (2) who during the preceding 4 years have been  
5 convicted of violating Section 3-707, 3-708, or 3-710 of  
6 this Code while operating vehicles owned by other persons;

7 (3) whose driving privileges have been suspended  
8 during the preceding 4 years;

9 (4) who during the preceding 4 years acquired  
10 ownership of motor vehicles while the registrations of  
11 such vehicles under the previous owners were suspended  
12 pursuant to Section 7-606 or 7-607 of this Code; or

13 (5) who during the preceding 4 years have received a  
14 disposition of supervision under subsection (c) of Section  
15 5-6-1 of the Unified Code of Corrections for a violation  
16 of Section 3-707, 3-708, or 3-710 of this Code.

17 (b) Upon receiving certification from the Department of  
18 Transportation under Section 7-201.2 of this Code of the name  
19 of an owner or operator of any motor vehicle involved in a  
20 crash ~~an accident~~, the Secretary may verify whether or not at  
21 the time of the crash ~~accident~~ such motor vehicle was covered  
22 by a liability insurance policy in accordance with Section  
23 7-601 of this Code.

24 (c) In preparation for selection of random samples and  
25 their verification, the Secretary may send to owners of  
26 randomly selected motor vehicles, or to randomly selected

1 motor vehicle owners, requests for information about their  
2 motor vehicles and liability insurance coverage electronically  
3 or, if electronic means are unavailable, via U.S. mail. The  
4 request shall require the owner to state whether or not the  
5 motor vehicle was insured on the verification date stated in  
6 the Secretary's request and the request may require, but is  
7 not limited to, a statement by the owner of the names and  
8 addresses of insurers, policy numbers, and expiration dates of  
9 insurance coverage.

10 (d) Within 30 days after the Secretary sends a request  
11 under subsection (c) of this Section, the owner to whom it is  
12 sent shall furnish the requested information to the Secretary  
13 above the owner's signed affirmation that such information is  
14 true and correct. Proof of insurance in effect on the  
15 verification date, as prescribed by the Secretary, may be  
16 considered by the Secretary to be a satisfactory response to  
17 the request for information.

18 Any owner whose response indicates that his or her vehicle  
19 was not covered by a liability insurance policy in accordance  
20 with Section 7-601 of this Code shall be deemed to have  
21 registered or maintained registration of a motor vehicle in  
22 violation of that Section. Any owner who fails to respond to  
23 such a request shall be deemed to have registered or  
24 maintained registration of a motor vehicle in violation of  
25 Section 7-601 of this Code.

26 (e) If the owner responds to the request for information

1 by asserting that his or her vehicle was covered by a liability  
2 insurance policy on the verification date stated in the  
3 Secretary's request, the Secretary may conduct a verification  
4 of the response by furnishing necessary information to the  
5 insurer named in the response. The insurer shall within 45  
6 days inform the Secretary whether or not on the verification  
7 date stated the motor vehicle was insured by the insurer in  
8 accordance with Section 7-601 of this Code. The Secretary may  
9 by rule and regulation prescribe the procedures for  
10 verification.

11 (f) No random sample selected under this Section shall be  
12 categorized on the basis of race, color, religion, sex,  
13 national origin, ancestry, age, marital status, physical or  
14 mental disability, economic status, or geography.

15 (g) (Blank).

16 (h) This Section shall be inoperative upon the effective  
17 date of the rules adopted by the Secretary to implement  
18 Section 7-603.5 of this Code.

19 (Source: P.A. 99-333, eff. 12-30-15 (see Section 15 of P.A.  
20 99-483 for the effective date of changes made by P.A. 99-333);  
21 99-737, eff. 8-5-16; 100-145, eff. 1-1-18; 100-373, eff.  
22 1-1-18; 100-863, eff. 8-14-18.)

23 (625 ILCS 5/9-105) (from Ch. 95 1/2, par. 9-105)

24 Sec. 9-105. Insurance policy as proof - requirements. A  
25 motor vehicle liability policy in a solvent and responsible

1 company, authorized to do business in the State of Illinois,  
2 providing that the insurance carrier will pay any judgment  
3 within 30 days after it becomes final, recovered against the  
4 customer or against any person operating the motor vehicle  
5 with the customer's express or implied consent, for damage to  
6 property other than to the rented motor vehicles, or for an  
7 injury to or for the death of any person, including an occupant  
8 of the rented motor vehicle, resulting from the operation of  
9 the motor vehicle shall serve as proof of financial  
10 responsibility; provided however, every such policy provides  
11 insurance insuring the operator of the rented motor vehicle  
12 against liability upon such insured to a minimum amount of  
13 \$50,000 because of bodily injury to, or death of any one person  
14 or damage to property and \$100,000 because of bodily injury to  
15 or death of 2 or more persons in any one motor vehicle crash  
16 ~~accident~~.

17 (Source: P.A. 86-880.)

18 (625 ILCS 5/10-201) (from Ch. 95 1/2, par. 10-201)

19 Sec. 10-201. Liability for bodily injury to or death of  
20 guest.

21 No person riding in or upon a motor vehicle or motorcycle  
22 as a guest without payment for such ride and who has solicited  
23 such ride in violation of Subsection (a) of Section 11-1006 of  
24 this Act, nor his personal representative in the event of the  
25 death of such guest, shall have a cause of action for damages

1 against the driver or operator of such motor vehicle or  
2 motorcycle, or its owner or his employee or agent for injury,  
3 death or loss, in case of a crash ~~accident~~, unless such crash  
4 ~~accident~~ has been caused by the willful and wanton misconduct  
5 of the driver or operator of such motor vehicle or motorcycle  
6 or its owner or his employee or agent and unless such willful  
7 and wanton misconduct contributed to the injury, death or loss  
8 for which the action is brought.

9 Nothing contained in this section relieves a motor vehicle  
10 or motorcycle carrier of passengers for hire of responsibility  
11 for injury or death sustained by any passenger for hire.

12 This amendatory Act of 1971 shall apply only to causes of  
13 action arising from crashes ~~accidents~~ occurring after its  
14 effective date.

15 (Source: P.A. 77-1482.)

16 (625 ILCS 5/11-208.6)

17 Sec. 11-208.6. Automated traffic law enforcement system.

18 (a) As used in this Section, "automated traffic law  
19 enforcement system" means a device with one or more motor  
20 vehicle sensors working in conjunction with a red light signal  
21 to produce recorded images of motor vehicles entering an  
22 intersection against a red signal indication in violation of  
23 Section 11-306 of this Code or a similar provision of a local  
24 ordinance.

25 An automated traffic law enforcement system is a system,



1 in a municipality or county operated by a governmental agency,  
2 that produces a recorded image of a motor vehicle's violation  
3 of a provision of this Code or a local ordinance and is  
4 designed to obtain a clear recorded image of the vehicle and  
5 the vehicle's license plate. The recorded image must also  
6 display the time, date, and location of the violation.

7 (b) As used in this Section, "recorded images" means  
8 images recorded by an automated traffic law enforcement system  
9 on:

10 (1) 2 or more photographs;

11 (2) 2 or more microphotographs;

12 (3) 2 or more electronic images; or

13 (4) a video recording showing the motor vehicle and,  
14 on at least one image or portion of the recording, clearly  
15 identifying the registration plate or digital registration  
16 plate number of the motor vehicle.

17 (b-5) A municipality or county that produces a recorded  
18 image of a motor vehicle's violation of a provision of this  
19 Code or a local ordinance must make the recorded images of a  
20 violation accessible to the alleged violator by providing the  
21 alleged violator with a website address, accessible through  
22 the Internet.

23 (c) Except as provided under Section 11-208.8 of this  
24 Code, a county or municipality, including a home rule county  
25 or municipality, may not use an automated traffic law  
26 enforcement system to provide recorded images of a motor

1 vehicle for the purpose of recording its speed. Except as  
2 provided under Section 11-208.8 of this Code, the regulation  
3 of the use of automated traffic law enforcement systems to  
4 record vehicle speeds is an exclusive power and function of  
5 the State. This subsection (c) is a denial and limitation of  
6 home rule powers and functions under subsection (h) of Section  
7 6 of Article VII of the Illinois Constitution.

8 (c-5) A county or municipality, including a home rule  
9 county or municipality, may not use an automated traffic law  
10 enforcement system to issue violations in instances where the  
11 motor vehicle comes to a complete stop and does not enter the  
12 intersection, as defined by Section 1-132 of this Code, during  
13 the cycle of the red signal indication unless one or more  
14 pedestrians or bicyclists are present, even if the motor  
15 vehicle stops at a point past a stop line or crosswalk where a  
16 driver is required to stop, as specified in subsection (c) of  
17 Section 11-306 of this Code or a similar provision of a local  
18 ordinance.

19 (c-6) A county, or a municipality with less than 2,000,000  
20 inhabitants, including a home rule county or municipality, may  
21 not use an automated traffic law enforcement system to issue  
22 violations in instances where a motorcyclist enters an  
23 intersection against a red signal indication when the red  
24 signal fails to change to a green signal within a reasonable  
25 period of time not less than 120 seconds because of a signal  
26 malfunction or because the signal has failed to detect the

1 arrival of the motorcycle due to the motorcycle's size or  
2 weight.

3 (d) For each violation of a provision of this Code or a  
4 local ordinance recorded by an automatic traffic law  
5 enforcement system, the county or municipality having  
6 jurisdiction shall issue a written notice of the violation to  
7 the registered owner of the vehicle as the alleged violator.  
8 The notice shall be delivered to the registered owner of the  
9 vehicle, by mail, within 30 days after the Secretary of State  
10 notifies the municipality or county of the identity of the  
11 owner of the vehicle, but in no event later than 90 days after  
12 the violation.

13 The notice shall include:

14 (1) the name and address of the registered owner of  
15 the vehicle;

16 (2) the registration number of the motor vehicle  
17 involved in the violation;

18 (3) the violation charged;

19 (4) the location where the violation occurred;

20 (5) the date and time of the violation;

21 (6) a copy of the recorded images;

22 (7) the amount of the civil penalty imposed and the  
23 requirements of any traffic education program imposed and  
24 the date by which the civil penalty should be paid and the  
25 traffic education program should be completed;

26 (8) a statement that recorded images are evidence of a

1 violation of a red light signal;

2 (9) a warning that failure to pay the civil penalty,  
3 to complete a required traffic education program, or to  
4 contest liability in a timely manner is an admission of  
5 liability;

6 (10) a statement that the person may elect to proceed  
7 by:

8 (A) paying the fine, completing a required traffic  
9 education program, or both; or

10 (B) challenging the charge in court, by mail, or  
11 by administrative hearing; and

12 (11) a website address, accessible through the  
13 Internet, where the person may view the recorded images of  
14 the violation.

15 (e) (Blank).

16 (f) Based on inspection of recorded images produced by an  
17 automated traffic law enforcement system, a notice alleging  
18 that the violation occurred shall be evidence of the facts  
19 contained in the notice and admissible in any proceeding  
20 alleging a violation under this Section.

21 (g) Recorded images made by an automatic traffic law  
22 enforcement system are confidential and shall be made  
23 available only to the alleged violator and governmental and  
24 law enforcement agencies for purposes of adjudicating a  
25 violation of this Section, for statistical purposes, or for  
26 other governmental purposes. Any recorded image evidencing a

1 violation of this Section, however, may be admissible in any  
2 proceeding resulting from the issuance of the citation.

3 (h) The court or hearing officer may consider in defense  
4 of a violation:

5 (1) that the motor vehicle or registration plates or  
6 digital registration plates of the motor vehicle were  
7 stolen before the violation occurred and not under the  
8 control of or in the possession of the owner at the time of  
9 the violation;

10 (2) that the driver of the vehicle passed through the  
11 intersection when the light was red either (i) in order to  
12 yield the right-of-way to an emergency vehicle or (ii) as  
13 part of a funeral procession; and

14 (3) any other evidence or issues provided by municipal  
15 or county ordinance.

16 (i) To demonstrate that the motor vehicle or the  
17 registration plates or digital registration plates were stolen  
18 before the violation occurred and were not under the control  
19 or possession of the owner at the time of the violation, the  
20 owner must submit proof that a report concerning the stolen  
21 motor vehicle or registration plates was filed with a law  
22 enforcement agency in a timely manner.

23 (j) Unless the driver of the motor vehicle received a  
24 Uniform Traffic Citation from a police officer at the time of  
25 the violation, the motor vehicle owner is subject to a civil  
26 penalty not exceeding \$100 or the completion of a traffic

1 education program, or both, plus an additional penalty of not  
2 more than \$100 for failure to pay the original penalty or to  
3 complete a required traffic education program, or both, in a  
4 timely manner, if the motor vehicle is recorded by an  
5 automated traffic law enforcement system. A violation for  
6 which a civil penalty is imposed under this Section is not a  
7 violation of a traffic regulation governing the movement of  
8 vehicles and may not be recorded on the driving record of the  
9 owner of the vehicle.

10 (j-3) A registered owner who is a holder of a valid  
11 commercial driver's license is not required to complete a  
12 traffic education program.

13 (j-5) For purposes of the required traffic education  
14 program only, a registered owner may submit an affidavit to  
15 the court or hearing officer swearing that at the time of the  
16 alleged violation, the vehicle was in the custody and control  
17 of another person. The affidavit must identify the person in  
18 custody and control of the vehicle, including the person's  
19 name and current address. The person in custody and control of  
20 the vehicle at the time of the violation is required to  
21 complete the required traffic education program. If the person  
22 in custody and control of the vehicle at the time of the  
23 violation completes the required traffic education program,  
24 the registered owner of the vehicle is not required to  
25 complete a traffic education program.

26 (k) An intersection equipped with an automated traffic law

1 enforcement system must be posted with a sign visible to  
2 approaching traffic indicating that the intersection is being  
3 monitored by an automated traffic law enforcement system.

4 (k-3) A municipality or county that has one or more  
5 intersections equipped with an automated traffic law  
6 enforcement system must provide notice to drivers by posting  
7 the locations of automated traffic law systems on the  
8 municipality or county website.

9 (k-5) An intersection equipped with an automated traffic  
10 law enforcement system must have a yellow change interval that  
11 conforms with the Illinois Manual on Uniform Traffic Control  
12 Devices (IMUTCD) published by the Illinois Department of  
13 Transportation.

14 (k-7) A municipality or county operating an automated  
15 traffic law enforcement system shall conduct a statistical  
16 analysis to assess the safety impact of each automated traffic  
17 law enforcement system at an intersection following  
18 installation of the system. The statistical analysis shall be  
19 based upon the best available crash, traffic, and other data,  
20 and shall cover a period of time before and after installation  
21 of the system sufficient to provide a statistically valid  
22 comparison of safety impact. The statistical analysis shall be  
23 consistent with professional judgment and acceptable industry  
24 practice. The statistical analysis also shall be consistent  
25 with the data required for valid comparisons of before and  
26 after conditions and shall be conducted within a reasonable

1 period following the installation of the automated traffic law  
2 enforcement system. The statistical analysis required by this  
3 subsection (k-7) shall be made available to the public and  
4 shall be published on the website of the municipality or  
5 county. If the statistical analysis for the 36 month period  
6 following installation of the system indicates that there has  
7 been an increase in the rate of crashes ~~accidents~~ at the  
8 approach to the intersection monitored by the system, the  
9 municipality or county shall undertake additional studies to  
10 determine the cause and severity of the crashes ~~accidents~~, and  
11 may take any action that it determines is necessary or  
12 appropriate to reduce the number or severity of the crashes  
13 ~~accidents~~ at that intersection.

14 (l) The compensation paid for an automated traffic law  
15 enforcement system must be based on the value of the equipment  
16 or the services provided and may not be based on the number of  
17 traffic citations issued or the revenue generated by the  
18 system.

19 (m) This Section applies only to the counties of Cook,  
20 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and  
21 to municipalities located within those counties.

22 (n) The fee for participating in a traffic education  
23 program under this Section shall not exceed \$25.

24 A low-income individual required to complete a traffic  
25 education program under this Section who provides proof of  
26 eligibility for the federal earned income tax credit under



1 Section 32 of the Internal Revenue Code or the Illinois earned  
2 income tax credit under Section 212 of the Illinois Income Tax  
3 Act shall not be required to pay any fee for participating in a  
4 required traffic education program.

5 (o) (Blank).

6 (p) No person who is the lessor of a motor vehicle pursuant  
7 to a written lease agreement shall be liable for an automated  
8 speed or traffic law enforcement system violation involving  
9 such motor vehicle during the period of the lease; provided  
10 that upon the request of the appropriate authority received  
11 within 120 days after the violation occurred, the lessor  
12 provides within 60 days after such receipt the name and  
13 address of the lessee.

14 Upon the provision of information by the lessor pursuant  
15 to this subsection, the county or municipality may issue the  
16 violation to the lessee of the vehicle in the same manner as it  
17 would issue a violation to a registered owner of a vehicle  
18 pursuant to this Section, and the lessee may be held liable for  
19 the violation.

20 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

21 (625 ILCS 5/11-208.9)

22 Sec. 11-208.9. Automated traffic law enforcement system;  
23 approaching, overtaking, and passing a school bus.

24 (a) As used in this Section, "automated traffic law  
25 enforcement system" means a device with one or more motor

1 vehicle sensors working in conjunction with the visual signals  
2 on a school bus, as specified in Sections 12-803 and 12-805 of  
3 this Code, to produce recorded images of motor vehicles that  
4 fail to stop before meeting or overtaking, from either  
5 direction, any school bus stopped at any location for the  
6 purpose of receiving or discharging pupils in violation of  
7 Section 11-1414 of this Code or a similar provision of a local  
8 ordinance.

9 An automated traffic law enforcement system is a system,  
10 in a municipality or county operated by a governmental agency,  
11 that produces a recorded image of a motor vehicle's violation  
12 of a provision of this Code or a local ordinance and is  
13 designed to obtain a clear recorded image of the vehicle and  
14 the vehicle's license plate. The recorded image must also  
15 display the time, date, and location of the violation.

16 (b) As used in this Section, "recorded images" means  
17 images recorded by an automated traffic law enforcement system  
18 on:

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

22 (4) a video recording showing the motor vehicle and,  
23 on at least one image or portion of the recording, clearly  
24 identifying the registration plate or digital registration  
25 plate number of the motor vehicle.

26 (c) A municipality or county that produces a recorded

1 image of a motor vehicle's violation of a provision of this  
2 Code or a local ordinance must make the recorded images of a  
3 violation accessible to the alleged violator by providing the  
4 alleged violator with a website address, accessible through  
5 the Internet.

6 (d) For each violation of a provision of this Code or a  
7 local ordinance recorded by an automated traffic law  
8 enforcement system, the county or municipality having  
9 jurisdiction shall issue a written notice of the violation to  
10 the registered owner of the vehicle as the alleged violator.  
11 The notice shall be delivered to the registered owner of the  
12 vehicle, by mail, within 30 days after the Secretary of State  
13 notifies the municipality or county of the identity of the  
14 owner of the vehicle, but in no event later than 90 days after  
15 the violation.

16 (e) The notice required under subsection (d) shall  
17 include:

18 (1) the name and address of the registered owner of  
19 the vehicle;

20 (2) the registration number of the motor vehicle  
21 involved in the violation;

22 (3) the violation charged;

23 (4) the location where the violation occurred;

24 (5) the date and time of the violation;

25 (6) a copy of the recorded images;

26 (7) the amount of the civil penalty imposed and the

1 date by which the civil penalty should be paid;

2 (8) a statement that recorded images are evidence of a  
3 violation of overtaking or passing a school bus stopped  
4 for the purpose of receiving or discharging pupils;

5 (9) a warning that failure to pay the civil penalty or  
6 to contest liability in a timely manner is an admission of  
7 liability;

8 (10) a statement that the person may elect to proceed  
9 by:

10 (A) paying the fine; or

11 (B) challenging the charge in court, by mail, or  
12 by administrative hearing; and

13 (11) a website address, accessible through the  
14 Internet, where the person may view the recorded images of  
15 the violation.

16 (f) (Blank).

17 (g) Based on inspection of recorded images produced by an  
18 automated traffic law enforcement system, a notice alleging  
19 that the violation occurred shall be evidence of the facts  
20 contained in the notice and admissible in any proceeding  
21 alleging a violation under this Section.

22 (h) Recorded images made by an automated traffic law  
23 enforcement system are confidential and shall be made  
24 available only to the alleged violator and governmental and  
25 law enforcement agencies for purposes of adjudicating a  
26 violation of this Section, for statistical purposes, or for

1 other governmental purposes. Any recorded image evidencing a  
2 violation of this Section, however, may be admissible in any  
3 proceeding resulting from the issuance of the citation.

4 (i) The court or hearing officer may consider in defense  
5 of a violation:

6 (1) that the motor vehicle or registration plates or  
7 digital registration plates of the motor vehicle were  
8 stolen before the violation occurred and not under the  
9 control of or in the possession of the owner at the time of  
10 the violation;

11 (2) that the driver of the motor vehicle received a  
12 Uniform Traffic Citation from a police officer for a  
13 violation of Section 11-1414 of this Code within  
14 one-eighth of a mile and 15 minutes of the violation that  
15 was recorded by the system;

16 (3) that the visual signals required by Sections  
17 12-803 and 12-805 of this Code were damaged, not  
18 activated, not present in violation of Sections 12-803 and  
19 12-805, or inoperable; and

20 (4) any other evidence or issues provided by municipal  
21 or county ordinance.

22 (j) To demonstrate that the motor vehicle or the  
23 registration plates or digital registration plates were stolen  
24 before the violation occurred and were not under the control  
25 or possession of the owner at the time of the violation, the  
26 owner must submit proof that a report concerning the stolen

1 motor vehicle or registration plates was filed with a law  
2 enforcement agency in a timely manner.

3 (k) Unless the driver of the motor vehicle received a  
4 Uniform Traffic Citation from a police officer at the time of  
5 the violation, the motor vehicle owner is subject to a civil  
6 penalty not exceeding \$150 for a first time violation or \$500  
7 for a second or subsequent violation, plus an additional  
8 penalty of not more than \$100 for failure to pay the original  
9 penalty in a timely manner, if the motor vehicle is recorded by  
10 an automated traffic law enforcement system. A violation for  
11 which a civil penalty is imposed under this Section is not a  
12 violation of a traffic regulation governing the movement of  
13 vehicles and may not be recorded on the driving record of the  
14 owner of the vehicle, but may be recorded by the municipality  
15 or county for the purpose of determining if a person is subject  
16 to the higher fine for a second or subsequent offense.

17 (l) A school bus equipped with an automated traffic law  
18 enforcement system must be posted with a sign indicating that  
19 the school bus is being monitored by an automated traffic law  
20 enforcement system.

21 (m) A municipality or county that has one or more school  
22 buses equipped with an automated traffic law enforcement  
23 system must provide notice to drivers by posting a list of  
24 school districts using school buses equipped with an automated  
25 traffic law enforcement system on the municipality or county  
26 website. School districts that have one or more school buses

1 equipped with an automated traffic law enforcement system must  
2 provide notice to drivers by posting that information on their  
3 websites.

4 (n) A municipality or county operating an automated  
5 traffic law enforcement system shall conduct a statistical  
6 analysis to assess the safety impact in each school district  
7 using school buses equipped with an automated traffic law  
8 enforcement system following installation of the system. The  
9 statistical analysis shall be based upon the best available  
10 crash, traffic, and other data, and shall cover a period of  
11 time before and after installation of the system sufficient to  
12 provide a statistically valid comparison of safety impact. The  
13 statistical analysis shall be consistent with professional  
14 judgment and acceptable industry practice. The statistical  
15 analysis also shall be consistent with the data required for  
16 valid comparisons of before and after conditions and shall be  
17 conducted within a reasonable period following the  
18 installation of the automated traffic law enforcement system.  
19 The statistical analysis required by this subsection shall be  
20 made available to the public and shall be published on the  
21 website of the municipality or county. If the statistical  
22 analysis for the 36-month period following installation of the  
23 system indicates that there has been an increase in the rate of  
24 crashes ~~accidents~~ at the approach to school buses monitored by  
25 the system, the municipality or county shall undertake  
26 additional studies to determine the cause and severity of the

1 crashes ~~accidents~~, and may take any action that it determines  
2 is necessary or appropriate to reduce the number or severity  
3 of the crashes ~~accidents~~ involving school buses equipped with  
4 an automated traffic law enforcement system.

5 (o) The compensation paid for an automated traffic law  
6 enforcement system must be based on the value of the equipment  
7 or the services provided and may not be based on the number of  
8 traffic citations issued or the revenue generated by the  
9 system.

10 (p) No person who is the lessor of a motor vehicle pursuant  
11 to a written lease agreement shall be liable for an automated  
12 speed or traffic law enforcement system violation involving  
13 such motor vehicle during the period of the lease; provided  
14 that upon the request of the appropriate authority received  
15 within 120 days after the violation occurred, the lessor  
16 provides within 60 days after such receipt the name and  
17 address of the lessee.

18 Upon the provision of information by the lessor pursuant  
19 to this subsection, the county or municipality may issue the  
20 violation to the lessee of the vehicle in the same manner as it  
21 would issue a violation to a registered owner of a vehicle  
22 pursuant to this Section, and the lessee may be held liable for  
23 the violation.

24 (q) (Blank).

25 (r) After a municipality or county enacts an ordinance  
26 providing for automated traffic law enforcement systems under



1 this Section, each school district within that municipality or  
2 county's jurisdiction may implement an automated traffic law  
3 enforcement system under this Section. The elected school  
4 board for that district must approve the implementation of an  
5 automated traffic law enforcement system. The school district  
6 shall be responsible for entering into a contract, approved by  
7 the elected school board of that district, with vendors for  
8 the installation, maintenance, and operation of the automated  
9 traffic law enforcement system. The school district must enter  
10 into an intergovernmental agreement, approved by the elected  
11 school board of that district, with the municipality or county  
12 with jurisdiction over that school district for the  
13 administration of the automated traffic law enforcement  
14 system. The proceeds from a school district's automated  
15 traffic law enforcement system's fines shall be divided  
16 equally between the school district and the municipality or  
17 county administering the automated traffic law enforcement  
18 system.

19 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

20 (625 ILCS 5/Ch. 11 Art. IV heading)

21 ARTICLE IV. CRASHES ~~ACCIDENTS~~

22 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

23 Sec. 11-401. Motor vehicle crashes ~~accidents~~ involving  
24 death or personal injuries.

1           (a) The driver of any vehicle involved in a motor vehicle  
2 crashes ~~accident~~ resulting in personal injury to or death of  
3 any person shall immediately stop such vehicle at the scene of  
4 such crash ~~accident~~, or as close thereto as possible and shall  
5 then forthwith return to, and in every event shall remain at  
6 the scene of the crash ~~accident~~ until the requirements of  
7 Section 11-403 have been fulfilled. Every such stop shall be  
8 made without obstructing traffic more than is necessary.

9           (b) Any person who has failed to stop or to comply with the  
10 requirements of paragraph (a) shall, as soon as possible but  
11 in no case later than one-half hour after such motor vehicle  
12 crash ~~accident~~, or, if hospitalized and incapacitated from  
13 reporting at any time during such period, as soon as possible  
14 but in no case later than one-half hour after being discharged  
15 from the hospital, report the place of the crash ~~accident~~, the  
16 date, the approximate time, the driver's name and address, the  
17 registration number of the vehicle driven, and the names of  
18 all other occupants of such vehicle, at a police station or  
19 sheriff's office near the place where such crash ~~accident~~  
20 occurred. No report made as required under this paragraph  
21 shall be used, directly or indirectly, as a basis for the  
22 prosecution of any violation of paragraph (a).

23           (b-1) Any person arrested for violating this Section is  
24 subject to chemical testing of his or her blood, breath, other  
25 bodily substance, or urine for the presence of alcohol, other  
26 drug or drugs, intoxicating compound or compounds, or any

1 combination thereof, as provided in Section 11-501.1, if the  
2 testing occurs within 12 hours of the time of the occurrence of  
3 the crash ~~accident~~ that led to his or her arrest. The person's  
4 driving privileges are subject to statutory summary suspension  
5 under Section 11-501.1 if he or she fails testing or statutory  
6 summary revocation under Section 11-501.1 if he or she refuses  
7 to undergo the testing.

8 For purposes of this Section, personal injury shall mean  
9 any injury requiring immediate professional treatment in a  
10 medical facility or doctor's office.

11 (c) Any person failing to comply with paragraph (a) shall  
12 be guilty of a Class 4 felony.

13 (d) Any person failing to comply with paragraph (b) is  
14 guilty of a Class 2 felony if the motor vehicle crash ~~accident~~  
15 does not result in the death of any person. Any person failing  
16 to comply with paragraph (b) when the crash ~~accident~~ results  
17 in the death of any person is guilty of a Class 1 felony.

18 (e) The Secretary of State shall revoke the driving  
19 privilege of any person convicted of a violation of this  
20 Section.

21 (Source: P.A. 99-697, eff. 7-29-16.)

22 (625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

23 Sec. 11-402. Motor vehicle crash ~~accident~~ involving damage  
24 to vehicle.

25 (a) The driver of any vehicle involved in a motor vehicle

1 ~~crash accident~~ resulting only in damage to a vehicle which is  
2 driven or attended by any person shall immediately stop such  
3 vehicle at the scene of such motor vehicle crash ~~accident~~ or as  
4 close thereto as possible, but shall forthwith return to and  
5 in every event shall remain at the scene of such motor vehicle  
6 crash ~~accident~~ until the requirements of Section 11-403 have  
7 been fulfilled. A driver does not violate this Section if the  
8 driver moves the vehicle as soon as possible off the highway to  
9 the nearest safe location on an exit ramp shoulder, a frontage  
10 road, the nearest suitable cross street, or other suitable  
11 location that does not obstruct traffic and remains at that  
12 location until the driver has fulfilled the requirements of  
13 Section 11-403. Every such stop shall be made without  
14 obstructing traffic more than is necessary. If a damaged  
15 vehicle is obstructing traffic lanes, the driver of the  
16 vehicle must make every reasonable effort to move the vehicle  
17 or have it moved so as not to block the traffic lanes.

18 Any person failing to comply with this Section shall be  
19 guilty of a Class A misdemeanor.

20 (b) Upon conviction of a violation of this Section, the  
21 court shall make a finding as to whether the damage to a  
22 vehicle is in excess of \$1,000, and in such case a statement of  
23 this finding shall be reported to the Secretary of State with  
24 the report of conviction as required by Section 6-204 of this  
25 Code. Upon receipt of such report of conviction and statement  
26 of finding that the damage to a vehicle is in excess of \$1,000,

1 the Secretary of State shall suspend the driver's license or  
2 any nonresident's driving privilege.

3 (c) If any peace officer or highway authority official  
4 finds (i) a vehicle standing upon a highway or toll highway in  
5 violation of a prohibition, limitation, or restriction on  
6 stopping, standing, or parking imposed under this Code or (ii)  
7 a disabled vehicle that obstructs the roadway of a highway or  
8 toll highway, the peace officer or highway authority official  
9 is authorized to move the vehicle or to require the operator of  
10 the vehicle to move the vehicle to the shoulder of the road, to  
11 a position where parking is permitted, or to public parking or  
12 storage premises. The removal may be performed by, or under  
13 the direction of, the peace officer or highway authority  
14 official or may be contracted for by local authorities. After  
15 the vehicle has been removed, the peace officer or highway  
16 authority official shall follow appropriate procedures, as  
17 provided in Section 4-203 of this Code.

18 (d) A towing service, its officers, and its employees are  
19 not liable for loss of or damages to any real or personal  
20 property that occurs as the result of the removal or towing of  
21 any vehicle under subsection (c), as provided in subsection  
22 (b) of Section 4-213.

23 (Source: P.A. 97-763, eff. 1-1-13.)

24 (625 ILCS 5/11-403) (from Ch. 95 1/2, par. 11-403)

25 Sec. 11-403. Duty to give information and render aid. The

1 driver of any vehicle involved in a motor vehicle crash  
2 ~~accident~~ resulting in injury to or death of any person or  
3 damage to any vehicle which is driven or attended by any person  
4 shall give the driver's name, address, registration number and  
5 owner of the vehicle the driver is operating and shall upon  
6 request and if available exhibit such driver's license to the  
7 person struck or the driver or occupant of or person attending  
8 any vehicle collided with and shall render to any person  
9 injured in such crash ~~accident~~ reasonable assistance,  
10 including the carrying or the making of arrangements for the  
11 carrying of such person to a physician, surgeon or hospital  
12 for medical or surgical treatment, if it is apparent that such  
13 treatment is necessary or if such carrying is requested by the  
14 injured person.

15 If none of the persons entitled to information pursuant to  
16 this Section is in condition to receive and understand such  
17 information and no police officer is present, such driver  
18 after rendering reasonable assistance shall forthwith report  
19 such motor vehicle crash ~~accident~~ at the nearest office of a  
20 duly authorized police authority, disclosing the information  
21 required by this Section.

22 Any person failing to comply with this Section shall be  
23 guilty of a Class A misdemeanor.

24 (Source: P.A. 83-831.)

25 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

1           Sec. 11-404. Duty upon damaging unattended vehicle or  
2 other property.

3           (a) The driver of any vehicle which collides with or is  
4 involved in a motor vehicle crash ~~accident~~ with any vehicle  
5 which is unattended, or other property, resulting in any  
6 damage to such other vehicle or property shall immediately  
7 stop and shall then and there either locate and notify the  
8 operator or owner of such vehicle or other property of the  
9 driver's name, address, registration number and owner of the  
10 vehicle the driver was operating or shall attach securely in a  
11 conspicuous place on or in the vehicle or other property  
12 struck a written notice giving the driver's name, address,  
13 registration number and owner of the vehicle the driver was  
14 driving and shall without unnecessary delay notify the nearest  
15 office of a duly authorized police authority and shall make a  
16 written report of such crash ~~accident~~ when and as required in  
17 Section 11-406. Every such stop shall be made without  
18 obstructing traffic more than is necessary. If a damaged  
19 vehicle is obstructing traffic lanes, the driver of the  
20 vehicle must make every reasonable effort to move the vehicle  
21 or have it moved so as not to block the traffic lanes.

22           (b) Any person failing to comply with this Section shall  
23 be guilty of a Class A misdemeanor.

24           (c) If any peace officer or highway authority official  
25 finds (i) a vehicle standing upon a highway or toll highway in  
26 violation of a prohibition, limitation, or restriction on

1 stopping, standing, or parking imposed under this Code or (ii)  
2 a disabled vehicle that obstructs the roadway of a highway or  
3 toll highway, the peace officer or highway authority official  
4 is authorized to move the vehicle or to require the operator of  
5 the vehicle to move the vehicle to the shoulder of the road, to  
6 a position where parking is permitted, or to public parking or  
7 storage premises. The removal may be performed by, or under  
8 the direction of, the peace officer or highway authority  
9 official or may be contracted for by local authorities. After  
10 the vehicle has been removed, the peace officer or highway  
11 authority official shall follow appropriate procedures, as  
12 provided in Section 4-203 of this Code.

13 (d) A towing service, its officers, and its employees are  
14 not liable for loss of or damages to any real or personal  
15 property that occurs as the result of the removal or towing of  
16 any vehicle under subsection (c), as provided in subsection  
17 (b) of Section 4-213.

18 (Source: P.A. 95-407, eff. 1-1-08.)

19 (625 ILCS 5/11-407) (from Ch. 95 1/2, par. 11-407)

20 Sec. 11-407. Immediate notice of crash ~~accident~~.

21 (a) The driver of a vehicle which is in any manner involved  
22 in a crash ~~an accident~~ described in Section 11-406 of this  
23 Chapter shall, if no police officer is present, give notice of  
24 the crash ~~accident~~ by the fastest available means of  
25 communication to the local police department if such crash



1 ~~accident~~ occurs within a municipality or otherwise to the  
2 nearest office of the county sheriff or nearest headquarters  
3 of the Illinois State Police.

4 (b) Whenever the driver of a vehicle is physically  
5 incapable of giving immediate notice of a crash ~~an accident~~ as  
6 required in Subsection (a) and there was another occupant in  
7 the vehicle at the time of the crash ~~accident~~ capable of doing  
8 so, that occupant must give notice as required in Subsection  
9 (a).

10 (Source: P.A. 76-2163.)

11 (625 ILCS 5/11-408) (from Ch. 95 1/2, par. 11-408)

12 Sec. 11-408. Police to report motor vehicle crash ~~accident~~  
13 investigations.

14 (a) Every law enforcement officer who investigates a motor  
15 vehicle crash ~~accident~~ for which a report is required by this  
16 Article or who prepares a written report as a result of an  
17 investigation either at the time and scene of such motor  
18 vehicle crash ~~accident~~ or thereafter by interviewing  
19 participants or witnesses shall forward a written report of  
20 such motor vehicle crash ~~accident~~ to the Administrator on  
21 forms provided by the Administrator under Section 11-411  
22 within 10 days after investigation of the motor vehicle crash  
23 ~~accident~~, or within such other time as is prescribed by the  
24 Administrator. Such written reports and the information  
25 contained in those reports required to be forwarded by law

1 enforcement officers shall not be held confidential by the  
2 reporting law enforcement officer or agency. The Secretary of  
3 State may also disclose notations of crash ~~accident~~  
4 involvement maintained on individual driving records. However,  
5 the Administrator or the Secretary of State may require a  
6 supplemental written report from the reporting law enforcement  
7 officer.

8 (b) The Department at its discretion may require a  
9 supplemental written report from the reporting law enforcement  
10 officer on a form supplied by the Department to be submitted  
11 directly to the Department. Such supplemental report may be  
12 used only for crash ~~accident~~ studies and statistical or  
13 analytical purposes under Section 11-412 or 11-414 of this  
14 Code.

15 (c) The Department at its discretion may provide for  
16 in-depth investigations of crashes ~~accidents~~ involving  
17 Department employees or other motor vehicle crashes ~~accidents~~  
18 by individuals or special investigation groups, including but  
19 not limited to police officers, photographers, engineers,  
20 doctors, mechanics, and as a result of the investigation may  
21 require the submission of written reports, photographs,  
22 charts, sketches, graphs, or a combination of all. Such  
23 individual written reports, photographs, charts, sketches, or  
24 graphs may be used only for crash ~~accident~~ studies and  
25 statistical or analytical purposes under Section 11-412 or  
26 11-414 of this Code.

1           (d) On and after July 1, 1997, law enforcement officers  
2 who have reason to suspect that the motor vehicle crash  
3 ~~accident~~ was the result of a driver's loss of consciousness  
4 due to a medical condition, as defined by the Driver's License  
5 Medical Review Law of 1992, or the result of any medical  
6 condition that impaired the driver's ability to safely operate  
7 a motor vehicle shall notify the Secretary of this  
8 determination. The Secretary, in conjunction with the Driver's  
9 License Medical Advisory Board, shall determine by  
10 administrative rule the temporary conditions not required to  
11 be reported under the provisions of this Section. The  
12 Secretary shall, in conjunction with the Illinois State Police  
13 and representatives of local and county law enforcement  
14 agencies, promulgate any rules necessary and develop the  
15 procedures and documents that may be required to obtain  
16 written, electronic, or other agreed upon methods of  
17 notification to implement the provisions of this Section.

18           (e) Law enforcement officers reporting under the  
19 provisions of subsection (d) of this Section shall enjoy the  
20 same immunities granted members of the Driver's License  
21 Medical Advisory Board under Section 6-910 of this Code.

22           (f) All information furnished to the Secretary under  
23 subsection (d) of this Section shall be deemed confidential  
24 and for the privileged use of the Secretary in accordance with  
25 the provisions of subsection (j) of Section 2-123 of this  
26 Code.

1 (Source: P.A. 100-96, eff. 1-1-18.)

2 (625 ILCS 5/11-409) (from Ch. 95 1/2, par. 11-409)

3 Sec. 11-409. False motor vehicle crash ~~accident~~ reports or  
4 notices. Any person who provides information in an oral or  
5 written report required by this Code with knowledge or reason  
6 to believe that such information is false shall be guilty of a  
7 Class C misdemeanor.

8 (Source: P.A. 83-831.)

9 (625 ILCS 5/11-411) (from Ch. 95 1/2, par. 11-411)

10 Sec. 11-411. Crash ~~Accident~~ report forms.

11 (a) The Administrator must prepare and upon request supply  
12 to police departments, sheriffs and other appropriate agencies  
13 or individuals, forms for written crash ~~accident~~ reports as  
14 required hereunder, suitable with respect to the persons  
15 required to make such reports and the purposes to be served.  
16 The written reports must call for sufficiently detailed  
17 information to disclose with reference to a vehicle crash  
18 ~~accident~~ the cause, conditions then existing, and the persons  
19 and vehicles involved or any other data concerning such crash  
20 ~~accident~~ that may be required for a complete analysis of all  
21 related circumstances and events leading to the crash ~~accident~~  
22 or subsequent to the occurrence.

23 (b) Every crash ~~accident~~ report required to be made in  
24 writing must be made on an approved form or in an approved

1 electronic format provided by the Administrator and must  
2 contain all the information required therein unless that  
3 information is not available. The Department shall adopt any  
4 rules necessary to implement this subsection (b).

5 (c) Should special crash ~~accident~~ studies be required by  
6 the Administrator, the Administrator may provide the  
7 supplemental forms for the special studies.

8 (Source: P.A. 100-96, eff. 1-1-18.)

9 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)

10 Sec. 11-412. Motor vehicle crash ~~accident~~ reports  
11 confidential.

12 (a) All required written motor vehicle crash ~~accident~~  
13 reports and supplemental reports shall be without prejudice to  
14 the individual so reporting and shall be for the confidential  
15 use of the Department and the Secretary of State and, in the  
16 case of second division vehicles operated under certificate of  
17 convenience and necessity issued by the Illinois Commerce  
18 Commission, of the Commission, except that the Administrator  
19 or the Secretary of State or the Commission may disclose the  
20 identity of a person involved in a motor vehicle crash  
21 ~~accident~~ when such identity is not otherwise known or when  
22 such person denies his presence at such motor vehicle crash  
23 ~~accident~~ and the Department shall disclose the identity of the  
24 insurance carrier, if any, upon demand. The Secretary of State  
25 may also disclose notations of crash ~~accident~~ involvement

1 maintained on individual driving records.

2 (b) Upon written request, the Department shall furnish  
3 copies of its written crash ~~accident~~ reports or any  
4 supplemental reports to federal, State, and local agencies  
5 that are engaged in highway safety research and studies and to  
6 any person or entity that has a contractual agreement with the  
7 Department or a federal, State, or local agency to complete a  
8 highway safety research and study for the Department or the  
9 federal, State, or local agency. Reports furnished to any  
10 agency, person, or entity other than the Secretary of State or  
11 the Illinois Commerce Commission may be used only for  
12 statistical or analytical purposes and shall be held  
13 confidential by that agency, person, or entity. These reports  
14 shall be exempt from inspection and copying under the Freedom  
15 of Information Act and shall not be used as evidence in any  
16 trial, civil or criminal, arising out of a motor vehicle crash  
17 ~~accident~~, except that the Administrator shall furnish upon  
18 demand of any person who has, or claims to have, made such a  
19 written or supplemental report, or upon demand of any court, a  
20 certificate showing that a specified written crash ~~accident~~  
21 report or supplemental report has or has not been made to the  
22 Administrator solely to prove a compliance or a failure to  
23 comply with the requirement that such a written or  
24 supplemental report be made to the Administrator.

25 (c) Upon written request, the Department shall furnish  
26 motor vehicle crash ~~accident~~ data to a federal, State, or

1 local agency, the Secretary of State, the Illinois Commerce  
2 Commission, or any other person or entity under Section 11-417  
3 of this Code.

4 (d) The Department at its discretion may provide for  
5 in-depth investigations of crashes ~~accidents~~ involving  
6 Department employees or other motor vehicle crashes ~~accidents~~.  
7 A written report describing the preventability of such a crash  
8 ~~an accident~~ may be prepared to enhance the safety of  
9 Department employees or the traveling public. Such reports and  
10 the information contained in those reports and any opinions  
11 expressed in the review of the crash ~~accident~~ as to the  
12 preventability of the crash ~~accident~~ shall be for the  
13 privileged use of the Department and held confidential and  
14 shall not be obtainable or used in any civil or criminal  
15 proceeding.

16 (Source: P.A. 100-96, eff. 1-1-18.)

17 (625 ILCS 5/11-413) (from Ch. 95 1/2, par. 11-413)

18 Sec. 11-413. Coroners to report. All coroners shall on or  
19 before the 10th day of each month report in writing to the  
20 Administrator the death of any person within their respective  
21 jurisdiction, during the preceding calendar month, as the  
22 result of a traffic crash ~~accident~~ giving the time and place of  
23 the crash ~~accident~~ and the circumstances relating thereto.

24 (Source: P.A. 83-831.)

1 (625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

2 Sec. 11-414. Department to tabulate and analyze motor  
3 vehicle crash ~~accident~~ reports. The Department shall tabulate  
4 and may analyze all written motor vehicle crash ~~accident~~  
5 reports received in compliance with this Code and shall  
6 publish annually or at more frequent intervals motor vehicle  
7 crash ~~accident~~ data. The Department:

8 1. (blank);

9 2. shall, upon written request, make available to the  
10 public motor vehicle crash ~~accident~~ data that shall be  
11 distributed under Sections 11-412 and 11-417 of this Code;

12 3. may conduct special investigations of motor vehicle  
13 crashes ~~accidents~~ and may solicit supplementary reports  
14 from drivers, owners, police departments, sheriffs,  
15 coroners, or any other individual. Failure of any  
16 individual to submit a supplementary report subjects such  
17 individual to the same penalties for failure to report as  
18 designated under Section 11-406.

19 (Source: P.A. 100-96, eff. 1-1-18.)

20 (625 ILCS 5/11-415) (from Ch. 95 1/2, par. 11-415)

21 Sec. 11-415. Municipalities may require traffic crash  
22 ~~accident~~ reports. Municipalities may by ordinance require that  
23 the driver or owner of a vehicle involved in a traffic crash  
24 ~~accident~~ file with the designated municipal office a written  
25 report of such crash ~~accident~~. All such reports shall be for



1 the confidential use of the municipal office and subject to  
2 the provisions of Section 11-412.

3 (Source: P.A. 83-831.)

4 (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

5 Sec. 11-416. Furnishing copies - Fees. The Illinois State  
6 Police may furnish copies of an Illinois State Police Traffic  
7 Crash ~~Accident~~ Report that has been investigated by the  
8 Illinois State Police and shall be paid a fee of \$5 for each  
9 such copy, or in the case of a crash ~~an accident~~ which was  
10 investigated by a crash ~~an accident~~ reconstruction officer or  
11 crash ~~accident~~ reconstruction team, a fee of \$20 shall be  
12 paid. These fees shall be deposited into the State Police  
13 Services Fund.

14 Other State law enforcement agencies or law enforcement  
15 agencies of local authorities may furnish copies of traffic  
16 crash ~~accident~~ reports prepared by such agencies and may  
17 receive a fee not to exceed \$5 for each copy or in the case of  
18 a crash ~~an accident~~ which was investigated by a crash ~~an~~  
19 ~~accident~~ reconstruction officer or crash ~~accident~~  
20 reconstruction team, the State or local law enforcement agency  
21 may receive a fee not to exceed \$20.

22 Any written crash ~~accident~~ report required or requested to  
23 be furnished the Administrator shall be provided without cost  
24 or fee charges authorized under this Section or any other  
25 provision of law.

1 (Source: P.A. 101-571, eff. 8-23-19; 102-538, eff. 8-20-21.)

2 (625 ILCS 5/11-417)

3 Sec. 11-417. Motor vehicle crash ~~accident~~ report and motor  
4 vehicle crash ~~accident~~ data.

5 (a) Upon written request and payment of the required fee,  
6 the Department shall make available to the public motor  
7 vehicle crash ~~accident~~ data received in compliance with this  
8 Code. The Department shall adopt any rules necessary to  
9 establish a fee schedule for motor vehicle crash ~~accident~~ data  
10 made available under Section 11-414 of this Code.

11 (b) The Department shall provide copies of a written motor  
12 vehicle crash ~~accident~~ report or motor vehicle crash ~~accident~~  
13 data without any cost or fees authorized under any provision  
14 of law to a federal, State, or local agency, the Secretary of  
15 State, the Illinois Commerce Commission, or any other person  
16 or entity that has a contractual agreement with the Department  
17 or a federal, State, or local agency to complete a highway  
18 safety research and study for the Department or the federal,  
19 State, or local agency.

20 (c) All fees collected under this Section shall be placed  
21 in the Road Fund to be used, subject to appropriation, for the  
22 costs associated with motor vehicle crash ~~accident~~ records and  
23 motor vehicle crash ~~accident~~ data.

24 (Source: P.A. 100-96, eff. 1-1-18.)

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

2 Sec. 11-501. Driving while under the influence of alcohol,  
3 other drug or drugs, intoxicating compound or compounds or any  
4 combination thereof.

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

7 (1) the alcohol concentration in the person's blood,  
8 other bodily substance, or breath is 0.08 or more based on  
9 the definition of blood and breath units in Section  
10 11-501.2;

11 (2) under the influence of alcohol;

12 (3) under the influence of any intoxicating compound  
13 or combination of intoxicating compounds to a degree that  
14 renders the person incapable of driving safely;

15 (4) under the influence of any other drug or  
16 combination of drugs to a degree that renders the person  
17 incapable of safely driving;

18 (5) under the combined influence of alcohol, other  
19 drug or drugs, or intoxicating compound or compounds to a  
20 degree that renders the person incapable of safely  
21 driving;

22 (6) there is any amount of a drug, substance, or  
23 compound in the person's breath, blood, other bodily  
24 substance, or urine resulting from the unlawful use or  
25 consumption of a controlled substance listed in the  
26 Illinois Controlled Substances Act, an intoxicating

1 compound listed in the Use of Intoxicating Compounds Act,  
2 or methamphetamine as listed in the Methamphetamine  
3 Control and Community Protection Act; or

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

16 (b) The fact that any person charged with violating this  
17 Section is or has been legally entitled to use alcohol,  
18 cannabis under the Compassionate Use of Medical Cannabis  
19 Program Act, other drug or drugs, or intoxicating compound or  
20 compounds, or any combination thereof, shall not constitute a  
21 defense against any charge of violating this Section.

22 (c) Penalties.

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

26 (2) A person who violates subsection (a) or a similar

1 provision a second time shall be sentenced to a mandatory  
2 minimum term of either 5 days of imprisonment or 240 hours  
3 of community service in addition to any other criminal or  
4 administrative sanction.

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

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

18 (5) A person who violates subsection (a) a second  
19 time, if at the time of the second violation the alcohol  
20 concentration in his or her blood, breath, other bodily  
21 substance, or urine was 0.16 or more based on the  
22 definition of blood, breath, other bodily substance, or  
23 urine units in Section 11-501.2, shall be subject, in  
24 addition to any other penalty that may be imposed, to a  
25 mandatory minimum of 2 days of imprisonment and a  
26 mandatory minimum fine of \$1,250.

1 (d) Aggravated driving under the influence of alcohol,  
2 other drug or drugs, or intoxicating compound or compounds, or  
3 any combination thereof.

4 (1) Every person convicted of committing a violation  
5 of this Section shall be guilty of aggravated driving  
6 under the influence of alcohol, other drug or drugs, or  
7 intoxicating compound or compounds, or any combination  
8 thereof if:

9 (A) the person committed a violation of subsection  
10 (a) or a similar provision for the third or subsequent  
11 time;

12 (B) the person committed a violation of subsection  
13 (a) while driving a school bus with one or more  
14 passengers on board;

15 (C) the person in committing a violation of  
16 subsection (a) was involved in a motor vehicle crash  
17 ~~accident~~ that resulted in great bodily harm or  
18 permanent disability or disfigurement to another, when  
19 the violation was a proximate cause of the injuries;

20 (D) the person committed a violation of subsection  
21 (a) and has been previously convicted of violating  
22 Section 9-3 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 or a similar provision of a law  
24 of another state relating to reckless homicide in  
25 which the person was determined to have been under the  
26 influence of alcohol, other drug or drugs, or

1           intoxicating compound or compounds as an element of  
2           the offense or the person has previously been  
3           convicted under subparagraph (C) or subparagraph (F)  
4           of this paragraph (1);

5           (E) the person, in committing a violation of  
6           subsection (a) while driving at any speed in a school  
7           speed zone at a time when a speed limit of 20 miles per  
8           hour was in effect under subsection (a) of Section  
9           11-605 of this Code, was involved in a motor vehicle  
10          ~~crash accident~~ crash that resulted in bodily harm, other  
11          than great bodily harm or permanent disability or  
12          disfigurement, to another person, when the violation  
13          of subsection (a) was a proximate cause of the bodily  
14          harm;

15          (F) the person, in committing a violation of  
16          subsection (a), was involved in a motor vehicle crash  
17          ~~or~~ snowmobile, all-terrain vehicle, or watercraft  
18          accident that resulted in the death of another person,  
19          when the violation of subsection (a) was a proximate  
20          cause of the death;

21          (G) the person committed a violation of subsection  
22          (a) during a period in which the defendant's driving  
23          privileges are revoked or suspended, where the  
24          revocation or suspension was for a violation of  
25          subsection (a) or a similar provision, Section  
26          11-501.1, paragraph (b) of Section 11-401, or for

1 reckless homicide as defined in Section 9-3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012;

3 (H) the person committed the violation while he or  
4 she did not possess a driver's license or permit or a  
5 restricted driving permit or a judicial driving permit  
6 or a monitoring device driving permit;

7 (I) the person committed the violation while he or  
8 she knew or should have known that the vehicle he or  
9 she was driving was not covered by a liability  
10 insurance policy;

11 (J) the person in committing a violation of  
12 subsection (a) was involved in a motor vehicle crash  
13 ~~accident~~ that resulted in bodily harm, but not great  
14 bodily harm, to the child under the age of 16 being  
15 transported by the person, if the violation was the  
16 proximate cause of the injury;

17 (K) the person in committing a second violation of  
18 subsection (a) or a similar provision was transporting  
19 a person under the age of 16; or

20 (L) the person committed a violation of subsection  
21 (a) of this Section while transporting one or more  
22 passengers in a vehicle for-hire.

23 (2) (A) Except as provided otherwise, a person  
24 convicted of aggravated driving under the influence of  
25 alcohol, other drug or drugs, or intoxicating compound or  
26 compounds, or any combination thereof is guilty of a Class



1 4 felony.

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

16 (C) A fourth violation of this Section or a similar  
17 provision is a Class 2 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  
25 administrative sanction. If at the time of the fourth  
26 violation, the defendant was transporting a person under

1 the age of 16 a mandatory fine of \$25,000 and 25 days of  
2 community service in a program benefiting children shall  
3 be imposed in addition to any other criminal or  
4 administrative sanction.

5 (D) A fifth violation of this Section or a similar  
6 provision is a Class 1 felony, for which a sentence of  
7 probation or conditional discharge may not be imposed. If  
8 at the time of the violation, the alcohol concentration in  
9 the defendant's blood, breath, other bodily substance, or  
10 urine was 0.16 or more based on the definition of blood,  
11 breath, other bodily substance, or urine units in Section  
12 11-501.2, a mandatory minimum fine of \$5,000 shall be  
13 imposed in addition to any other criminal or  
14 administrative sanction. If at the time of the fifth  
15 violation, the defendant was transporting a person under  
16 the age of 16, a mandatory fine of \$25,000, and 25 days of  
17 community service in a program benefiting children shall  
18 be imposed in addition to any other criminal or  
19 administrative sanction.

20 (E) A sixth or subsequent violation of this Section or  
21 similar provision is a Class X felony. If at the time of  
22 the violation, the alcohol concentration in the  
23 defendant's blood, breath, other bodily substance, or  
24 urine was 0.16 or more based on the definition of blood,  
25 breath, other bodily substance, or urine units in Section  
26 11-501.2, a mandatory minimum fine of \$5,000 shall be

1 imposed in addition to any other criminal or  
2 administrative sanction. If at the time of the violation,  
3 the defendant was transporting a person under the age of  
4 16, a mandatory fine of \$25,000 and 25 days of community  
5 service in a program benefiting children shall be imposed  
6 in addition to any other criminal or administrative  
7 sanction.

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

12 (G) A violation of subparagraph (F) of paragraph (1)  
13 of this subsection (d) is a Class 2 felony, for which the  
14 defendant, unless the court determines that extraordinary  
15 circumstances exist and require probation, shall be  
16 sentenced to: (i) a term of imprisonment of not less than 3  
17 years and not more than 14 years if the violation resulted  
18 in the death of one person; or (ii) a term of imprisonment  
19 of not less than 6 years and not more than 28 years if the  
20 violation resulted in the deaths of 2 or more persons.

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

26 (I) A violation of subparagraph (K) of paragraph (1)

1 of this subsection (d), is a Class 2 felony and a mandatory  
2 fine of \$2,500, and 25 days of community service in a  
3 program benefiting children shall be imposed in addition  
4 to any other criminal or administrative sanction. If the  
5 child being transported suffered bodily harm, but not  
6 great bodily harm, in a motor vehicle crash ~~accident~~, and  
7 the violation was the proximate cause of that injury, a  
8 mandatory fine of \$5,000 and 25 days of community service  
9 in a program benefiting children shall be imposed in  
10 addition to any other criminal or administrative sanction.

11 (J) A violation of subparagraph (D) of paragraph (1)  
12 of this subsection (d) is a Class 3 felony, for which a  
13 sentence of probation or conditional discharge may not be  
14 imposed.

15 (3) Any person sentenced under this subsection (d) who  
16 receives a term of probation or conditional discharge must  
17 serve a minimum term of either 480 hours of community  
18 service or 10 days of imprisonment as a condition of the  
19 probation or conditional discharge in addition to any  
20 other criminal or administrative sanction.

21 (e) Any reference to a prior violation of subsection (a)  
22 or a similar provision includes any violation of a provision  
23 of a local ordinance or a provision of a law of another state  
24 or an offense committed on a military installation that is  
25 similar to a violation of subsection (a) of this Section.

26 (f) The imposition of a mandatory term of imprisonment or

1 assignment of community service for a violation of this  
2 Section shall not be suspended or reduced by the court.

3 (g) Any penalty imposed for driving with a license that  
4 has been revoked for a previous violation of subsection (a) of  
5 this Section shall be in addition to the penalty imposed for  
6 any subsequent violation of subsection (a).

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

10 (Source: P.A. 101-363, eff. 8-9-19.)

11 (625 ILCS 5/11-501.1)

12 Sec. 11-501.1. Suspension of drivers license; statutory  
13 summary alcohol, other drug or drugs, or intoxicating compound  
14 or compounds related suspension or revocation; implied  
15 consent.

16 (a) Any person who drives or is in actual physical control  
17 of a motor vehicle upon the public highways of this State shall  
18 be deemed to have given consent, subject to the provisions of  
19 Section 11-501.2, to a chemical test or tests of blood,  
20 breath, other bodily substance, or urine for the purpose of  
21 determining the content of alcohol, other drug or drugs, or  
22 intoxicating compound or compounds or any combination thereof  
23 in the person's blood if arrested, as evidenced by the  
24 issuance of a Uniform Traffic Ticket, for any offense as  
25 defined in Section 11-501 or a similar provision of a local

1 ordinance, or if arrested for violating Section 11-401. If a  
2 law enforcement officer has probable cause to believe the  
3 person was under the influence of alcohol, other drug or  
4 drugs, intoxicating compound or compounds, or any combination  
5 thereof, the law enforcement officer shall request a chemical  
6 test or tests which shall be administered at the direction of  
7 the arresting officer. The law enforcement agency employing  
8 the officer shall designate which of the aforesaid tests shall  
9 be administered. Up to 2 additional tests of urine or other  
10 bodily substance may be administered even after a blood or  
11 breath test or both has been administered. For purposes of  
12 this Section, an Illinois law enforcement officer of this  
13 State who is investigating the person for any offense defined  
14 in Section 11-501 may travel into an adjoining state, where  
15 the person has been transported for medical care, to complete  
16 an investigation and to request that the person submit to the  
17 test or tests set forth in this Section. The requirements of  
18 this Section that the person be arrested are inapplicable, but  
19 the officer shall issue the person a Uniform Traffic Ticket  
20 for an offense as defined in Section 11-501 or a similar  
21 provision of a local ordinance prior to requesting that the  
22 person submit to the test or tests. The issuance of the Uniform  
23 Traffic Ticket shall not constitute an arrest, but shall be  
24 for the purpose of notifying the person that he or she is  
25 subject to the provisions of this Section and of the officer's  
26 belief of the existence of probable cause to arrest. Upon

1 returning to this State, the officer shall file the Uniform  
2 Traffic Ticket with the Circuit Clerk of the county where the  
3 offense was committed, and shall seek the issuance of an  
4 arrest warrant or a summons for the person.

5 (a-5) (Blank).

6 (b) Any person who is dead, unconscious, or who is  
7 otherwise in a condition rendering the person incapable of  
8 refusal, shall be deemed not to have withdrawn the consent  
9 provided by paragraph (a) of this Section and the test or tests  
10 may be administered, subject to the provisions of Section  
11 11-501.2.

12 (c) A person requested to submit to a test as provided  
13 above shall be warned by the law enforcement officer  
14 requesting the test that a refusal to submit to the test will  
15 result in the statutory summary suspension of the person's  
16 privilege to operate a motor vehicle, as provided in Section  
17 6-208.1 of this Code, and will also result in the  
18 disqualification of the person's privilege to operate a  
19 commercial motor vehicle, as provided in Section 6-514 of this  
20 Code, if the person is a CDL holder. The person shall also be  
21 warned that a refusal to submit to the test, when the person  
22 was involved in a motor vehicle crash ~~accident~~ that caused  
23 personal injury or death to another, will result in the  
24 statutory summary revocation of the person's privilege to  
25 operate a motor vehicle, as provided in Section 6-208.1, and  
26 will also result in the disqualification of the person's

1 privilege to operate a commercial motor vehicle, as provided  
2 in Section 6-514 of this Code, if the person is a CDL holder.  
3 The person shall also be warned by the law enforcement officer  
4 that if the person submits to the test or tests provided in  
5 paragraph (a) of this Section and the alcohol concentration in  
6 the person's blood, other bodily substance, or breath is 0.08  
7 or greater, or testing discloses the presence of cannabis as  
8 listed in the Cannabis Control Act with a tetrahydrocannabinol  
9 concentration as defined in paragraph 6 of subsection (a) of  
10 Section 11-501.2 of this Code, or any amount of a drug,  
11 substance, or compound resulting from the unlawful use or  
12 consumption of a controlled substance listed in the Illinois  
13 Controlled Substances Act, an intoxicating compound listed in  
14 the Use of Intoxicating Compounds Act, or methamphetamine as  
15 listed in the Methamphetamine Control and Community Protection  
16 Act is detected in the person's blood, other bodily substance  
17 or urine, a statutory summary suspension of the person's  
18 privilege to operate a motor vehicle, as provided in Sections  
19 6-208.1 and 11-501.1 of this Code, will be imposed. If the  
20 person is also a CDL holder, he or she shall be warned by the  
21 law enforcement officer that if the person submits to the test  
22 or tests provided in paragraph (a) of this Section and the  
23 alcohol concentration in the person's blood, other bodily  
24 substance, or breath is 0.08 or greater, or any amount of a  
25 drug, substance, or compound resulting from the unlawful use  
26 or consumption of cannabis as covered by the Cannabis Control



1 Act, a controlled substance listed in the Illinois Controlled  
2 Substances Act, an intoxicating compound listed in the Use of  
3 Intoxicating Compounds Act, or methamphetamine as listed in  
4 the Methamphetamine Control and Community Protection Act is  
5 detected in the person's blood, other bodily substance, or  
6 urine, a disqualification of the person's privilege to operate  
7 a commercial motor vehicle, as provided in Section 6-514 of  
8 this Code, will be imposed.

9 A person who is under the age of 21 at the time the person  
10 is requested to submit to a test as provided above shall, in  
11 addition to the warnings provided for in this Section, be  
12 further warned by the law enforcement officer requesting the  
13 test that if the person submits to the test or tests provided  
14 in paragraph (a) of this Section and the alcohol concentration  
15 in the person's blood, other bodily substance, or breath is  
16 greater than 0.00 and less than 0.08, a suspension of the  
17 person's privilege to operate a motor vehicle, as provided  
18 under Sections 6-208.2 and 11-501.8 of this Code, will be  
19 imposed. The results of this test shall be admissible in a  
20 civil or criminal action or proceeding arising from an arrest  
21 for an offense as defined in Section 11-501 of this Code or a  
22 similar provision of a local ordinance or pursuant to Section  
23 11-501.4 in prosecutions for reckless homicide brought under  
24 the Criminal Code of 1961 or the Criminal Code of 2012. These  
25 test results, however, shall be admissible only in actions or  
26 proceedings directly related to the incident upon which the

1 test request was made.

2 A person requested to submit to a test shall also  
3 acknowledge, in writing, receipt of the warning required under  
4 this Section. If the person refuses to acknowledge receipt of  
5 the warning, the law enforcement officer shall make a written  
6 notation on the warning that the person refused to sign the  
7 warning. A person's refusal to sign the warning shall not be  
8 evidence that the person was not read the warning.

9 (d) If the person refuses testing or submits to a test that  
10 discloses an alcohol concentration of 0.08 or more, or testing  
11 discloses the presence of cannabis as listed in the Cannabis  
12 Control Act with a tetrahydrocannabinol concentration as  
13 defined in paragraph 6 of subsection (a) of Section 11-501.2  
14 of this Code, or any amount of a drug, substance, or  
15 intoxicating compound in the person's breath, blood, other  
16 bodily substance, or urine resulting from the unlawful use or  
17 consumption of a controlled substance listed in the Illinois  
18 Controlled Substances Act, an intoxicating compound listed in  
19 the Use of Intoxicating Compounds Act, or methamphetamine as  
20 listed in the Methamphetamine Control and Community Protection  
21 Act, the law enforcement officer shall immediately submit a  
22 sworn report to the circuit court of venue and the Secretary of  
23 State, certifying that the test or tests was or were requested  
24 under paragraph (a) and the person refused to submit to a test,  
25 or tests, or submitted to testing that disclosed an alcohol  
26 concentration of 0.08 or more, testing discloses the presence

1 of cannabis as listed in the Cannabis Control Act with a  
2 tetrahydrocannabinol concentration as defined in paragraph 6  
3 of subsection (a) of Section 11-501.2 of this Code, or any  
4 amount of a drug, substance, or intoxicating compound in the  
5 person's breath, blood, other bodily substance, or urine  
6 resulting from the unlawful use or consumption of a controlled  
7 substance listed in the Illinois Controlled Substances Act, an  
8 intoxicating compound listed in the Use of Intoxicating  
9 Compounds Act, or methamphetamine as listed in the  
10 Methamphetamine Control and Community Protection Act. If the  
11 person is also a CDL holder and refuses testing or submits to a  
12 test that discloses an alcohol concentration of 0.08 or more,  
13 or any amount of a drug, substance, or intoxicating compound  
14 in the person's breath, blood, other bodily substance, or  
15 urine resulting from the unlawful use or consumption of  
16 cannabis listed in the Cannabis Control Act, a controlled  
17 substance listed in the Illinois Controlled Substances Act, an  
18 intoxicating compound listed in the Use of Intoxicating  
19 Compounds Act, or methamphetamine as listed in the  
20 Methamphetamine Control and Community Protection Act, the law  
21 enforcement officer shall also immediately submit a sworn  
22 report to the circuit court of venue and the Secretary of  
23 State, certifying that the test or tests was or were requested  
24 under paragraph (a) and the person refused to submit to a test,  
25 or tests, or submitted to testing that disclosed an alcohol  
26 concentration of 0.08 or more, or any amount of a drug,

1 substance, or intoxicating compound in the person's breath,  
2 blood, other bodily substance, or urine resulting from the  
3 unlawful use or consumption of cannabis listed in the Cannabis  
4 Control Act, a controlled substance listed in the Illinois  
5 Controlled Substances Act, an intoxicating compound listed in  
6 the Use of Intoxicating Compounds Act, or methamphetamine as  
7 listed in the Methamphetamine Control and Community Protection  
8 Act.

9 (e) Upon receipt of the sworn report of a law enforcement  
10 officer submitted under paragraph (d), the Secretary of State  
11 shall enter the statutory summary suspension or revocation and  
12 disqualification for the periods specified in Sections 6-208.1  
13 and 6-514, respectively, and effective as provided in  
14 paragraph (g).

15 If the person is a first offender as defined in Section  
16 11-500 of this Code, and is not convicted of a violation of  
17 Section 11-501 of this Code or a similar provision of a local  
18 ordinance, then reports received by the Secretary of State  
19 under this Section shall, except during the actual time the  
20 Statutory Summary Suspension is in effect, be privileged  
21 information and for use only by the courts, police officers,  
22 prosecuting authorities or the Secretary of State, unless the  
23 person is a CDL holder, is operating a commercial motor  
24 vehicle or vehicle required to be placarded for hazardous  
25 materials, in which case the suspension shall not be  
26 privileged. Reports received by the Secretary of State under

1 this Section shall also be made available to the parent or  
2 guardian of a person under the age of 18 years that holds an  
3 instruction permit or a graduated driver's license, regardless  
4 of whether the statutory summary suspension is in effect. A  
5 statutory summary revocation shall not be privileged  
6 information.

7 (f) The law enforcement officer submitting the sworn  
8 report under paragraph (d) shall serve immediate notice of the  
9 statutory summary suspension or revocation on the person and  
10 the suspension or revocation and disqualification shall be  
11 effective as provided in paragraph (g).

12 (1) In cases involving a person who is not a CDL holder  
13 where the blood alcohol concentration of 0.08 or greater  
14 or any amount of a drug, substance, or compound resulting  
15 from the unlawful use or consumption of a controlled  
16 substance listed in the Illinois Controlled Substances  
17 Act, an intoxicating compound listed in the Use of  
18 Intoxicating Compounds Act, or methamphetamine as listed  
19 in the Methamphetamine Control and Community Protection  
20 Act is established by a subsequent analysis of blood,  
21 other bodily substance, or urine or analysis of whole  
22 blood or other bodily substance establishes a  
23 tetrahydrocannabinol concentration as defined in paragraph  
24 6 of subsection (a) of Section 11-501.2 of this Code,  
25 collected at the time of arrest, the arresting officer or  
26 arresting agency shall give notice as provided in this

1 Section or by deposit in the United States mail of the  
2 notice in an envelope with postage prepaid and addressed  
3 to the person at his or her address as shown on the Uniform  
4 Traffic Ticket and the statutory summary suspension shall  
5 begin as provided in paragraph (g).

6 (1.3) In cases involving a person who is a CDL holder  
7 where the blood alcohol concentration of 0.08 or greater  
8 or any amount of a drug, substance, or compound resulting  
9 from the unlawful use or consumption of cannabis as  
10 covered by the Cannabis Control Act, a controlled  
11 substance listed in the Illinois Controlled Substances  
12 Act, an intoxicating compound listed in the Use of  
13 Intoxicating Compounds Act, or methamphetamine as listed  
14 in the Methamphetamine Control and Community Protection  
15 Act is established by a subsequent analysis of blood,  
16 other bodily substance, or urine collected at the time of  
17 arrest, the arresting officer or arresting agency shall  
18 give notice as provided in this Section or by deposit in  
19 the United States mail of the notice in an envelope with  
20 postage prepaid and addressed to the person at his or her  
21 address as shown on the Uniform Traffic Ticket and the  
22 statutory summary suspension and disqualification shall  
23 begin as provided in paragraph (g).

24 (1.5) The officer shall confiscate any Illinois  
25 driver's license or permit on the person at the time of  
26 arrest. If the person has a valid driver's license or

1 permit, the officer shall issue the person a receipt, in a  
2 form prescribed by the Secretary of State, that will allow  
3 that person to drive during the periods provided for in  
4 paragraph (g). The officer shall immediately forward the  
5 driver's license or permit to the circuit court of venue  
6 along with the sworn report provided for in paragraph (d).

7 (2) (Blank).

8 (g) The statutory summary suspension or revocation and  
9 disqualification referred to in this Section shall take effect  
10 on the 46th day following the date the notice of the statutory  
11 summary suspension or revocation was given to the person.

12 (h) The following procedure shall apply whenever a person  
13 is arrested for any offense as defined in Section 11-501 or a  
14 similar provision of a local ordinance:

15 Upon receipt of the sworn report from the law enforcement  
16 officer, the Secretary of State shall confirm the statutory  
17 summary suspension or revocation by mailing a notice of the  
18 effective date of the suspension or revocation to the person  
19 and the court of venue. The Secretary of State shall also mail  
20 notice of the effective date of the disqualification to the  
21 person. However, should the sworn report be defective by not  
22 containing sufficient information or be completed in error,  
23 the confirmation of the statutory summary suspension or  
24 revocation shall not be mailed to the person or entered to the  
25 record; instead, the sworn report shall be forwarded to the  
26 court of venue with a copy returned to the issuing agency

1 identifying any defect.

2 (i) As used in this Section, "personal injury" includes  
3 any Type A injury as indicated on the traffic crash ~~accident~~  
4 report completed by a law enforcement officer that requires  
5 immediate professional attention in either a doctor's office  
6 or a medical facility. A Type A injury includes severely  
7 bleeding wounds, distorted extremities, and injuries that  
8 require the injured party to be carried from the scene.

9 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;  
10 99-467, eff. 1-1-16; 99-697, eff. 7-29-16.)

11 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

12 Sec. 11-501.2. Chemical and other tests.

13 (a) Upon the trial of any civil or criminal action or  
14 proceeding arising out of an arrest for an offense as defined  
15 in Section 11-501 or a similar local ordinance or proceedings  
16 pursuant to Section 2-118.1, evidence of the concentration of  
17 alcohol, other drug or drugs, or intoxicating compound or  
18 compounds, or any combination thereof in a person's blood or  
19 breath at the time alleged, as determined by analysis of the  
20 person's blood, urine, breath, or other bodily substance,  
21 shall be admissible. Where such test is made the following  
22 provisions shall apply:

23 1. Chemical analyses of the person's blood, urine,  
24 breath, or other bodily substance to be considered valid  
25 under the provisions of this Section shall have been



1 performed according to standards promulgated by the  
2 Illinois State Police by a licensed physician, registered  
3 nurse, trained phlebotomist, licensed paramedic, or other  
4 individual possessing a valid permit issued by that  
5 Department for this purpose. The Director of the Illinois  
6 State Police is authorized to approve satisfactory  
7 techniques or methods, to ascertain the qualifications and  
8 competence of individuals to conduct such analyses, to  
9 issue permits which shall be subject to termination or  
10 revocation at the discretion of that Department and to  
11 certify the accuracy of breath testing equipment. The  
12 Illinois State Police shall prescribe regulations as  
13 necessary to implement this Section.

14 2. When a person in this State shall submit to a blood  
15 test at the request of a law enforcement officer under the  
16 provisions of Section 11-501.1, only a physician  
17 authorized to practice medicine, a licensed physician  
18 assistant, a licensed advanced practice registered nurse,  
19 a registered nurse, trained phlebotomist, or licensed  
20 paramedic, or other qualified person approved by the  
21 Illinois State Police may withdraw blood for the purpose  
22 of determining the alcohol, drug, or alcohol and drug  
23 content therein. This limitation shall not apply to the  
24 taking of breath, other bodily substance, or urine  
25 specimens.

26 When a blood test of a person who has been taken to an

1 adjoining state for medical treatment is requested by an  
2 Illinois law enforcement officer, the blood may be  
3 withdrawn only by a physician authorized to practice  
4 medicine in the adjoining state, a licensed physician  
5 assistant, a licensed advanced practice registered nurse,  
6 a registered nurse, a trained phlebotomist acting under  
7 the direction of the physician, or licensed paramedic. The  
8 law enforcement officer requesting the test shall take  
9 custody of the blood sample, and the blood sample shall be  
10 analyzed by a laboratory certified by the Illinois State  
11 Police for that purpose.

12 3. The person tested may have a physician, or a  
13 qualified technician, chemist, registered nurse, or other  
14 qualified person of their own choosing administer a  
15 chemical test or tests in addition to any administered at  
16 the direction of a law enforcement officer. The failure or  
17 inability to obtain an additional test by a person shall  
18 not preclude the admission of evidence relating to the  
19 test or tests taken at the direction of a law enforcement  
20 officer.

21 4. Upon the request of the person who shall submit to a  
22 chemical test or tests at the request of a law enforcement  
23 officer, full information concerning the test or tests  
24 shall be made available to the person or such person's  
25 attorney.

26 5. Alcohol concentration shall mean either grams of

1 alcohol per 100 milliliters of blood or grams of alcohol  
2 per 210 liters of breath.

3 6. Tetrahydrocannabinol concentration means either 5  
4 nanograms or more of delta-9-tetrahydrocannabinol per  
5 milliliter of whole blood or 10 nanograms or more of  
6 delta-9-tetrahydrocannabinol per milliliter of other  
7 bodily substance.

8 (a-5) Law enforcement officials may use validated roadside  
9 chemical tests or standardized field sobriety tests approved  
10 by the National Highway Traffic Safety Administration when  
11 conducting investigations of a violation of Section 11-501 or  
12 similar local ordinance by drivers suspected of driving under  
13 the influence of cannabis. The General Assembly finds that (i)  
14 validated roadside chemical tests are effective means to  
15 determine if a person is under the influence of cannabis and  
16 (ii) standardized field sobriety tests approved by the  
17 National Highway Traffic Safety Administration are divided  
18 attention tasks that are intended to determine if a person is  
19 under the influence of cannabis. The purpose of these tests is  
20 to determine the effect of the use of cannabis on a person's  
21 capacity to think and act with ordinary care and therefore  
22 operate a motor vehicle safely. Therefore, the results of  
23 these validated roadside chemical tests and standardized field  
24 sobriety tests, appropriately administered, shall be  
25 admissible in the trial of any civil or criminal action or  
26 proceeding arising out of an arrest for a cannabis-related

1 offense as defined in Section 11-501 or a similar local  
2 ordinance or proceedings under Section 2-118.1 or 2-118.2.

3 Where a test is made the following provisions shall apply:

4 1. The person tested may have a physician, or a  
5 qualified technician, chemist, registered nurse, or other  
6 qualified person of their own choosing administer a  
7 chemical test or tests in addition to the standardized  
8 field sobriety test or tests administered at the direction  
9 of a law enforcement officer. The failure or inability to  
10 obtain an additional test by a person does not preclude  
11 the admission of evidence relating to the test or tests  
12 taken at the direction of a law enforcement officer.

13 2. Upon the request of the person who shall submit to  
14 validated roadside chemical tests or a standardized field  
15 sobriety test or tests at the request of a law enforcement  
16 officer, full information concerning the test or tests  
17 shall be made available to the person or the person's  
18 attorney.

19 3. At the trial of any civil or criminal action or  
20 proceeding arising out of an arrest for an offense as  
21 defined in Section 11-501 or a similar local ordinance or  
22 proceedings under Section 2-118.1 or 2-118.2 in which the  
23 results of these validated roadside chemical tests or  
24 standardized field sobriety tests are admitted, the person  
25 may present and the trier of fact may consider evidence  
26 that the person lacked the physical capacity to perform

1 the validated roadside chemical tests or standardized  
2 field sobriety tests.

3 (b) Upon the trial of any civil or criminal action or  
4 proceeding arising out of acts alleged to have been committed  
5 by any person while driving or in actual physical control of a  
6 vehicle while under the influence of alcohol, the  
7 concentration of alcohol in the person's blood or breath at  
8 the time alleged as shown by analysis of the person's blood,  
9 urine, breath, or other bodily substance shall give rise to  
10 the following presumptions:

11 1. If there was at that time an alcohol concentration  
12 of 0.05 or less, it shall be presumed that the person was  
13 not under the influence of alcohol.

14 2. If there was at that time an alcohol concentration  
15 in excess of 0.05 but less than 0.08, such facts shall not  
16 give rise to any presumption that the person was or was not  
17 under the influence of alcohol, but such fact may be  
18 considered with other competent evidence in determining  
19 whether the person was under the influence of alcohol.

20 3. If there was at that time an alcohol concentration  
21 of 0.08 or more, it shall be presumed that the person was  
22 under the influence of alcohol.

23 4. The foregoing provisions of this Section shall not  
24 be construed as limiting the introduction of any other  
25 relevant evidence bearing upon the question whether the  
26 person was under the influence of alcohol.

1 (b-5) Upon the trial of any civil or criminal action or  
2 proceeding arising out of acts alleged to have been committed  
3 by any person while driving or in actual physical control of a  
4 vehicle while under the influence of alcohol, other drug or  
5 drugs, intoxicating compound or compounds or any combination  
6 thereof, the concentration of cannabis in the person's whole  
7 blood or other bodily substance at the time alleged as shown by  
8 analysis of the person's blood or other bodily substance shall  
9 give rise to the following presumptions:

10 1. If there was a tetrahydrocannabinol concentration  
11 of 5 nanograms or more in whole blood or 10 nanograms or  
12 more in an other bodily substance as defined in this  
13 Section, it shall be presumed that the person was under  
14 the influence of cannabis.

15 2. If there was at that time a tetrahydrocannabinol  
16 concentration of less than 5 nanograms in whole blood or  
17 less than 10 nanograms in an other bodily substance, such  
18 facts shall not give rise to any presumption that the  
19 person was or was not under the influence of cannabis, but  
20 such fact may be considered with other competent evidence  
21 in determining whether the person was under the influence  
22 of cannabis.

23 (c) 1. If a person under arrest refuses to submit to a  
24 chemical test under the provisions of Section 11-501.1,  
25 evidence of refusal shall be admissible in any civil or  
26 criminal action or proceeding arising out of acts alleged to

1 have been committed while the person under the influence of  
2 alcohol, other drug or drugs, or intoxicating compound or  
3 compounds, or any combination thereof was driving or in actual  
4 physical control of a motor vehicle.

5 2. Notwithstanding any ability to refuse under this Code  
6 to submit to these tests or any ability to revoke the implied  
7 consent to these tests, if a law enforcement officer has  
8 probable cause to believe that a motor vehicle driven by or in  
9 actual physical control of a person under the influence of  
10 alcohol, other drug or drugs, or intoxicating compound or  
11 compounds, or any combination thereof has caused the death or  
12 personal injury to another, the law enforcement officer shall  
13 request, and that person shall submit, upon the request of a  
14 law enforcement officer, to a chemical test or tests of his or  
15 her blood, breath, other bodily substance, or urine for the  
16 purpose of determining the alcohol content thereof or the  
17 presence of any other drug or combination of both.

18 This provision does not affect the applicability of or  
19 imposition of driver's license sanctions under Section  
20 11-501.1 of this Code.

21 3. For purposes of this Section, a personal injury  
22 includes any Type A injury as indicated on the traffic crash  
23 ~~accident~~ report completed by a law enforcement officer that  
24 requires immediate professional attention in either a doctor's  
25 office or a medical facility. A Type A injury includes severe  
26 bleeding wounds, distorted extremities, and injuries that

1 require the injured party to be carried from the scene.

2 (d) If a person refuses validated roadside chemical tests  
3 or standardized field sobriety tests under Section 11-501.9 of  
4 this Code, evidence of refusal shall be admissible in any  
5 civil or criminal action or proceeding arising out of acts  
6 committed while the person was driving or in actual physical  
7 control of a vehicle and alleged to have been impaired by the  
8 use of cannabis.

9 (e) Illinois State Police compliance with the changes in  
10 this amendatory Act of the 99th General Assembly concerning  
11 testing of other bodily substances and tetrahydrocannabinol  
12 concentration by Illinois State Police laboratories is subject  
13 to appropriation and until the Illinois State Police adopt  
14 standards and completion validation. Any laboratories that  
15 test for the presence of cannabis or other drugs under this  
16 Article, the Snowmobile Registration and Safety Act, or the  
17 Boat Registration and Safety Act must comply with ISO/IEC  
18 17025:2005.

19 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

20 (625 ILCS 5/11-501.4-1)

21 Sec. 11-501.4-1. Reporting of test results of blood, other  
22 bodily substance, or urine conducted in the regular course of  
23 providing emergency medical treatment.

24 (a) Notwithstanding any other provision of law, the  
25 results of blood, other bodily substance, or urine tests



1 performed for the purpose of determining the content of  
2 alcohol, other drug or drugs, or intoxicating compound or  
3 compounds, or any combination thereof, in an individual's  
4 blood, other bodily substance, or urine conducted upon persons  
5 receiving medical treatment in a hospital emergency room for  
6 injuries resulting from a motor vehicle crash ~~accident~~ shall  
7 be disclosed to the Illinois State Police or local law  
8 enforcement agencies of jurisdiction, upon request. Such  
9 blood, other bodily substance, or urine tests are admissible  
10 in evidence as a business record exception to the hearsay rule  
11 only in prosecutions for any violation of Section 11-501 of  
12 this Code or a similar provision of a local ordinance, or in  
13 prosecutions for reckless homicide brought under the Criminal  
14 Code of 1961 or the Criminal Code of 2012.

15 (b) The confidentiality provisions of law pertaining to  
16 medical records and medical treatment shall not be applicable  
17 with regard to tests performed upon an individual's blood,  
18 other bodily substance, or urine under the provisions of  
19 subsection (a) of this Section. No person shall be liable for  
20 civil damages or professional discipline as a result of the  
21 disclosure or reporting of the tests or the evidentiary use of  
22 an individual's blood, other bodily substance, or urine test  
23 results under this Section or Section 11-501.4 or as a result  
24 of that person's testimony made available under this Section  
25 or Section 11-501.4, except for willful or wanton misconduct.

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

2 Sec. 11-501.6. Driver involvement in personal injury or  
3 fatal motor vehicle crash ~~accident~~; chemical test.

4 (a) Any person who drives or is in actual control of a  
5 motor vehicle upon the public highways of this State and who  
6 has been involved in a personal injury or fatal motor vehicle  
7 crash ~~accident~~, shall be deemed to have given consent to a  
8 breath test using a portable device as approved by the  
9 Illinois State Police or to a chemical test or tests of blood,  
10 breath, other bodily substance, or urine for the purpose of  
11 determining the content of alcohol, other drug or drugs, or  
12 intoxicating compound or compounds of such person's blood if  
13 arrested as evidenced by the issuance of a Uniform Traffic  
14 Ticket for any violation of the Illinois Vehicle Code or a  
15 similar provision of a local ordinance, with the exception of  
16 equipment violations contained in Chapter 12 of this Code, or  
17 similar provisions of local ordinances. The test or tests  
18 shall be administered at the direction of the arresting  
19 officer. The law enforcement agency employing the officer  
20 shall designate which of the aforesaid tests shall be  
21 administered. Up to 2 additional tests of urine or other  
22 bodily substance may be administered even after a blood or  
23 breath test or both has been administered. Compliance with  
24 this Section does not relieve such person from the  
25 requirements of Section 11-501.1 of this Code.

1 (b) Any person who is dead, unconscious or who is  
2 otherwise in a condition rendering such person incapable of  
3 refusal shall be deemed not to have withdrawn the consent  
4 provided by subsection (a) of this Section. In addition, if a  
5 driver of a vehicle is receiving medical treatment as a result  
6 of a motor vehicle crash ~~accident~~, any physician licensed to  
7 practice medicine, licensed physician assistant, licensed  
8 advanced practice registered nurse, registered nurse or a  
9 phlebotomist acting under the direction of a licensed  
10 physician shall withdraw blood for testing purposes to  
11 ascertain the presence of alcohol, other drug or drugs, or  
12 intoxicating compound or compounds, upon the specific request  
13 of a law enforcement officer. However, no such testing shall  
14 be performed until, in the opinion of the medical personnel on  
15 scene, the withdrawal can be made without interfering with or  
16 endangering the well-being of the patient.

17 (c) A person requested to submit to a test as provided  
18 above shall be warned by the law enforcement officer  
19 requesting the test that a refusal to submit to the test, or  
20 submission to the test resulting in an alcohol concentration  
21 of 0.08 or more, or testing discloses the presence of cannabis  
22 as listed in the Cannabis Control Act with a  
23 tetrahydrocannabinol concentration as defined in paragraph 6  
24 of subsection (a) of Section 11-501.2 of this Code, or any  
25 amount of a drug, substance, or intoxicating compound  
26 resulting from the unlawful use or consumption of a controlled

1 substance listed in the Illinois Controlled Substances Act, an  
2 intoxicating compound listed in the Use of Intoxicating  
3 Compounds Act, or methamphetamine as listed in the  
4 Methamphetamine Control and Community Protection Act as  
5 detected in such person's blood, other bodily substance, or  
6 urine, may result in the suspension of such person's privilege  
7 to operate a motor vehicle. If the person is also a CDL holder,  
8 he or she shall be warned by the law enforcement officer  
9 requesting the test that a refusal to submit to the test, or  
10 submission to the test resulting in an alcohol concentration  
11 of 0.08 or more, or any amount of a drug, substance, or  
12 intoxicating compound resulting from the unlawful use or  
13 consumption of cannabis, as covered by the Cannabis Control  
14 Act, a controlled substance listed in the Illinois Controlled  
15 Substances Act, an intoxicating compound listed in the Use of  
16 Intoxicating Compounds Act, or methamphetamine as listed in  
17 the Methamphetamine Control and Community Protection Act as  
18 detected in the person's blood, other bodily substance, or  
19 urine, may result in the disqualification of the person's  
20 privilege to operate a commercial motor vehicle, as provided  
21 in Section 6-514 of this Code. The length of the suspension  
22 shall be the same as outlined in Section 6-208.1 of this Code  
23 regarding statutory summary suspensions.

24 A person requested to submit to a test shall also  
25 acknowledge, in writing, receipt of the warning required under  
26 this Section. If the person refuses to acknowledge receipt of

1 the warning, the law enforcement officer shall make a written  
2 notation on the warning that the person refused to sign the  
3 warning. A person's refusal to sign the warning shall not be  
4 evidence that the person was not read the warning.

5 (d) If the person refuses testing or submits to a test  
6 which discloses an alcohol concentration of 0.08 or more, the  
7 presence of cannabis as listed in the Cannabis Control Act  
8 with a tetrahydrocannabinol concentration as defined in  
9 paragraph 6 of subsection (a) of Section 11-501.2 of this  
10 Code, or any amount of a drug, substance, or intoxicating  
11 compound in such person's blood or urine resulting from the  
12 unlawful use or consumption of a controlled substance listed  
13 in the Illinois Controlled Substances Act, an intoxicating  
14 compound listed in the Use of Intoxicating Compounds Act, or  
15 methamphetamine as listed in the Methamphetamine Control and  
16 Community Protection Act, the law enforcement officer shall  
17 immediately submit a sworn report to the Secretary of State on  
18 a form prescribed by the Secretary, certifying that the test  
19 or tests were requested under subsection (a) and the person  
20 refused to submit to a test or tests or submitted to testing  
21 which disclosed an alcohol concentration of 0.08 or more, the  
22 presence of cannabis as listed in the Cannabis Control Act  
23 with a tetrahydrocannabinol concentration as defined in  
24 paragraph 6 of subsection (a) of Section 11-501.2 of this  
25 Code, or any amount of a drug, substance, or intoxicating  
26 compound in such person's blood, other bodily substance, or

1 urine, resulting from the unlawful use or consumption of a  
2 controlled substance listed in the Illinois Controlled  
3 Substances Act, an intoxicating compound listed in the Use of  
4 Intoxicating Compounds Act, or methamphetamine as listed in  
5 the Methamphetamine Control and Community Protection Act. If  
6 the person is also a CDL holder and refuses testing or submits  
7 to a test which discloses an alcohol concentration of 0.08 or  
8 more, or any amount of a drug, substance, or intoxicating  
9 compound in the person's blood, other bodily substance, or  
10 urine resulting from the unlawful use or consumption of  
11 cannabis listed in the Cannabis Control Act, a controlled  
12 substance listed in the Illinois Controlled Substances Act, an  
13 intoxicating compound listed in the Use of Intoxicating  
14 Compounds Act, or methamphetamine as listed in the  
15 Methamphetamine Control and Community Protection Act, the law  
16 enforcement officer shall immediately submit a sworn report to  
17 the Secretary of State on a form prescribed by the Secretary,  
18 certifying that the test or tests were requested under  
19 subsection (a) and the person refused to submit to a test or  
20 tests or submitted to testing which disclosed an alcohol  
21 concentration of 0.08 or more, or any amount of a drug,  
22 substance, or intoxicating compound in such person's blood,  
23 other bodily substance, or urine, resulting from the unlawful  
24 use or consumption of cannabis listed in the Cannabis Control  
25 Act, a controlled substance listed in the Illinois Controlled  
26 Substances Act, an intoxicating compound listed in the Use of

1 Intoxicating Compounds Act, or methamphetamine as listed in  
2 the Methamphetamine Control and Community Protection Act.

3 Upon receipt of the sworn report of a law enforcement  
4 officer, the Secretary shall enter the suspension and  
5 disqualification to the individual's driving record and the  
6 suspension and disqualification shall be effective on the 46th  
7 day following the date notice of the suspension was given to  
8 the person.

9 The law enforcement officer submitting the sworn report  
10 shall serve immediate notice of this suspension on the person  
11 and such suspension and disqualification shall be effective on  
12 the 46th day following the date notice was given.

13 In cases involving a person who is not a CDL holder where  
14 the blood alcohol concentration of 0.08 or more, or blood  
15 testing discloses the presence of cannabis as listed in the  
16 Cannabis Control Act with a tetrahydrocannabinol concentration  
17 as defined in paragraph 6 of subsection (a) of Section  
18 11-501.2 of this Code, or any amount of a drug, substance, or  
19 intoxicating compound resulting from the unlawful use or  
20 consumption of a controlled substance listed in the Illinois  
21 Controlled Substances Act, an intoxicating compound listed in  
22 the Use of Intoxicating Compounds Act, or methamphetamine as  
23 listed in the Methamphetamine Control and Community Protection  
24 Act, is established by a subsequent analysis of blood, other  
25 bodily substance, or urine collected at the time of arrest,  
26 the arresting officer shall give notice as provided in this

1 Section or by deposit in the United States mail of such notice  
2 in an envelope with postage prepaid and addressed to such  
3 person at his or her address as shown on the Uniform Traffic  
4 Ticket and the suspension shall be effective on the 46th day  
5 following the date notice was given.

6 In cases involving a person who is a CDL holder where the  
7 blood alcohol concentration of 0.08 or more, or any amount of a  
8 drug, substance, or intoxicating compound resulting from the  
9 unlawful use or consumption of cannabis as listed in the  
10 Cannabis Control Act, a controlled substance listed in the  
11 Illinois Controlled Substances Act, an intoxicating compound  
12 listed in the Use of Intoxicating Compounds Act, or  
13 methamphetamine as listed in the Methamphetamine Control and  
14 Community Protection Act, is established by a subsequent  
15 analysis of blood, other bodily substance, or urine collected  
16 at the time of arrest, the arresting officer shall give notice  
17 as provided in this Section or by deposit in the United States  
18 mail of such notice in an envelope with postage prepaid and  
19 addressed to the person at his or her address as shown on the  
20 Uniform Traffic Ticket and the suspension and disqualification  
21 shall be effective on the 46th day following the date notice  
22 was given.

23 Upon receipt of the sworn report of a law enforcement  
24 officer, the Secretary shall also give notice of the  
25 suspension and disqualification to the driver by mailing a  
26 notice of the effective date of the suspension and



1 disqualification to the individual. However, should the sworn  
2 report be defective by not containing sufficient information  
3 or be completed in error, the notice of the suspension and  
4 disqualification shall not be mailed to the person or entered  
5 to the driving record, but rather the sworn report shall be  
6 returned to the issuing law enforcement agency.

7 (e) A driver may contest this suspension of his or her  
8 driving privileges and disqualification of his or her CDL  
9 privileges by requesting an administrative hearing with the  
10 Secretary in accordance with Section 2-118 of this Code. At  
11 the conclusion of a hearing held under Section 2-118 of this  
12 Code, the Secretary may rescind, continue, or modify the  
13 orders of suspension and disqualification. If the Secretary  
14 does not rescind the orders of suspension and  
15 disqualification, a restricted driving permit may be granted  
16 by the Secretary upon application being made and good cause  
17 shown. A restricted driving permit may be granted to relieve  
18 undue hardship to allow driving for employment, educational,  
19 and medical purposes as outlined in Section 6-206 of this  
20 Code. The provisions of Section 6-206 of this Code shall  
21 apply. In accordance with 49 C.F.R. 384, the Secretary of  
22 State may not issue a restricted driving permit for the  
23 operation of a commercial motor vehicle to a person holding a  
24 CDL whose driving privileges have been suspended, revoked,  
25 cancelled, or disqualified.

26 (f) (Blank).

1 (g) For the purposes of this Section, a personal injury  
2 shall include any type A injury as indicated on the traffic  
3 crash ~~accident~~ report completed by a law enforcement officer  
4 that requires immediate professional attention in either a  
5 doctor's office or a medical facility. A type A injury shall  
6 include severely bleeding wounds, distorted extremities, and  
7 injuries that require the injured party to be carried from the  
8 scene.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (625 ILCS 5/11-501.7) (from Ch. 95 1/2, par. 11-501.7)

11 Sec. 11-501.7. (a) As a condition of probation or  
12 discharge of a person convicted of a violation of Section  
13 11-501 of this Code, who was less than 21 years of age at the  
14 time of the offense, or a person adjudicated delinquent  
15 pursuant to the Juvenile Court Act of 1987, for violation of  
16 Section 11-501 of this Code, the Court may order the offender  
17 to participate in the Youthful Intoxicated Drivers' Visitation  
18 Program. The Program shall consist of a supervised visitation  
19 as provided by this Section by the person to at least one of  
20 the following, to the extent that personnel and facilities are  
21 available:

22 (1) A State or private rehabilitation facility that  
23 cares for victims of motor vehicle crashes ~~accidents~~  
24 involving persons under the influence of alcohol.

25 (2) A facility which cares for advanced alcoholics to

1 observe persons in the terminal stages of alcoholism,  
2 under the supervision of appropriately licensed medical  
3 personnel.

4 (3) If approved by the coroner of the county where the  
5 person resides, the county coroner's office or the county  
6 morgue to observe appropriate victims of motor vehicle  
7 crashes ~~accidents~~ involving persons under the influence of  
8 alcohol, under the supervision of the coroner or deputy  
9 coroner.

10 (b) The Program shall be operated by the appropriate  
11 probation authorities of the courts of the various circuits.  
12 The youthful offender ordered to participate in the Program  
13 shall bear all costs associated with participation in the  
14 Program. A parent or guardian of the offender may assume the  
15 obligation of the offender to pay the costs of the Program. The  
16 court may waive the requirement that the offender pay the  
17 costs of participation in the Program upon a finding of  
18 indigency.

19 (c) As used in this Section, "appropriate victims" means  
20 victims whose condition is determined by the visit supervisor  
21 to demonstrate the results of motor vehicle crashes ~~accidents~~  
22 involving persons under the influence of alcohol without being  
23 excessively gruesome or traumatic to the observer.

24 (d) Any visitation shall include, before any observation  
25 of victims or persons with disabilities, a comprehensive  
26 counseling session with the visitation supervisor at which the

1 supervisor shall explain and discuss the experiences which may  
2 be encountered during the visitation in order to ascertain  
3 whether the visitation is appropriate.

4 (Source: P.A. 101-81, eff. 7-12-19.)

5 (625 ILCS 5/11-501.8)

6 Sec. 11-501.8. Suspension of driver's license; persons  
7 under age 21.

8 (a) A person who is less than 21 years of age and who  
9 drives or is in actual physical control of a motor vehicle upon  
10 the public highways of this State shall be deemed to have given  
11 consent to a chemical test or tests of blood, breath, other  
12 bodily substance, or urine for the purpose of determining the  
13 alcohol content of the person's blood if arrested, as  
14 evidenced by the issuance of a Uniform Traffic Ticket for any  
15 violation of the Illinois Vehicle Code or a similar provision  
16 of a local ordinance, if a police officer has probable cause to  
17 believe that the driver has consumed any amount of an  
18 alcoholic beverage based upon evidence of the driver's  
19 physical condition or other first hand knowledge of the police  
20 officer. The test or tests shall be administered at the  
21 direction of the arresting officer. The law enforcement agency  
22 employing the officer shall designate which of the aforesaid  
23 tests shall be administered. Up to 2 additional tests of urine  
24 or other bodily substance may be administered even after a  
25 blood or breath test or both has been administered.

1 (b) A person who is dead, unconscious, or who is otherwise  
2 in a condition rendering that person incapable of refusal,  
3 shall be deemed not to have withdrawn the consent provided by  
4 paragraph (a) of this Section and the test or tests may be  
5 administered subject to the following provisions:

6 (i) Chemical analysis of the person's blood, urine,  
7 breath, or other bodily substance, to be considered valid  
8 under the provisions of this Section, shall have been  
9 performed according to standards promulgated by the  
10 Illinois State Police by an individual possessing a valid  
11 permit issued by that Department for this purpose. The  
12 Director of the Illinois State Police is authorized to  
13 approve satisfactory techniques or methods, to ascertain  
14 the qualifications and competence of individuals to  
15 conduct analyses, to issue permits that shall be subject  
16 to termination or revocation at the direction of that  
17 Department, and to certify the accuracy of breath testing  
18 equipment. The Illinois State Police shall prescribe  
19 regulations as necessary.

20 (ii) When a person submits to a blood test at the  
21 request of a law enforcement officer under the provisions  
22 of this Section, only a physician authorized to practice  
23 medicine, a licensed physician assistant, a licensed  
24 advanced practice registered nurse, a registered nurse, or  
25 other qualified person trained in venipuncture and acting  
26 under the direction of a licensed physician may withdraw

1 blood for the purpose of determining the alcohol content  
2 therein. This limitation does not apply to the taking of  
3 breath, other bodily substance, or urine specimens.

4 (iii) The person tested may have a physician,  
5 qualified technician, chemist, registered nurse, or other  
6 qualified person of his or her own choosing administer a  
7 chemical test or tests in addition to any test or tests  
8 administered at the direction of a law enforcement  
9 officer. The failure or inability to obtain an additional  
10 test by a person shall not preclude the consideration of  
11 the previously performed chemical test.

12 (iv) Upon a request of the person who submits to a  
13 chemical test or tests at the request of a law enforcement  
14 officer, full information concerning the test or tests  
15 shall be made available to the person or that person's  
16 attorney.

17 (v) Alcohol concentration means either grams of  
18 alcohol per 100 milliliters of blood or grams of alcohol  
19 per 210 liters of breath.

20 (vi) If a driver is receiving medical treatment as a  
21 result of a motor vehicle crashes ~~accident~~, a physician  
22 licensed to practice medicine, licensed physician  
23 assistant, licensed advanced practice registered nurse,  
24 registered nurse, or other qualified person trained in  
25 venipuncture and acting under the direction of a licensed  
26 physician shall withdraw blood for testing purposes to

1           ascertain the presence of alcohol upon the specific  
2           request of a law enforcement officer. However, that  
3           testing shall not be performed until, in the opinion of  
4           the medical personnel on scene, the withdrawal can be made  
5           without interfering with or endangering the well-being of  
6           the patient.

7           (c) A person requested to submit to a test as provided  
8           above shall be warned by the law enforcement officer  
9           requesting the test that a refusal to submit to the test, or  
10          submission to the test resulting in an alcohol concentration  
11          of more than 0.00, may result in the loss of that person's  
12          privilege to operate a motor vehicle and may result in the  
13          disqualification of the person's privilege to operate a  
14          commercial motor vehicle, as provided in Section 6-514 of this  
15          Code, if the person is a CDL holder. The loss of driving  
16          privileges shall be imposed in accordance with Section 6-208.2  
17          of this Code.

18          A person requested to submit to a test shall also  
19          acknowledge, in writing, receipt of the warning required under  
20          this Section. If the person refuses to acknowledge receipt of  
21          the warning, the law enforcement officer shall make a written  
22          notation on the warning that the person refused to sign the  
23          warning. A person's refusal to sign the warning shall not be  
24          evidence that the person was not read the warning.

25          (d) If the person refuses testing or submits to a test that  
26          discloses an alcohol concentration of more than 0.00, the law

1 enforcement officer shall immediately submit a sworn report to  
2 the Secretary of State on a form prescribed by the Secretary of  
3 State, certifying that the test or tests were requested under  
4 subsection (a) and the person refused to submit to a test or  
5 tests or submitted to testing which disclosed an alcohol  
6 concentration of more than 0.00. The law enforcement officer  
7 shall submit the same sworn report when a person under the age  
8 of 21 submits to testing under Section 11-501.1 of this Code  
9 and the testing discloses an alcohol concentration of more  
10 than 0.00 and less than 0.08.

11       Upon receipt of the sworn report of a law enforcement  
12 officer, the Secretary of State shall enter the suspension and  
13 disqualification on the individual's driving record and the  
14 suspension and disqualification shall be effective on the 46th  
15 day following the date notice of the suspension was given to  
16 the person. If this suspension is the individual's first  
17 driver's license suspension under this Section, reports  
18 received by the Secretary of State under this Section shall,  
19 except during the time the suspension is in effect, be  
20 privileged information and for use only by the courts, police  
21 officers, prosecuting authorities, the Secretary of State, or  
22 the individual personally, unless the person is a CDL holder,  
23 is operating a commercial motor vehicle or vehicle required to  
24 be placarded for hazardous materials, in which case the  
25 suspension shall not be privileged. Reports received by the  
26 Secretary of State under this Section shall also be made



1 available to the parent or guardian of a person under the age  
2 of 18 years that holds an instruction permit or a graduated  
3 driver's license, regardless of whether the suspension is in  
4 effect.

5 The law enforcement officer submitting the sworn report  
6 shall serve immediate notice of this suspension on the person  
7 and the suspension and disqualification shall be effective on  
8 the 46th day following the date notice was given.

9 In cases where the blood alcohol concentration of more  
10 than 0.00 is established by a subsequent analysis of blood,  
11 other bodily substance, or urine, the police officer or  
12 arresting agency shall give notice as provided in this Section  
13 or by deposit in the United States mail of that notice in an  
14 envelope with postage prepaid and addressed to that person at  
15 his last known address and the loss of driving privileges  
16 shall be effective on the 46th day following the date notice  
17 was given.

18 Upon receipt of the sworn report of a law enforcement  
19 officer, the Secretary of State shall also give notice of the  
20 suspension and disqualification to the driver by mailing a  
21 notice of the effective date of the suspension and  
22 disqualification to the individual. However, should the sworn  
23 report be defective by not containing sufficient information  
24 or be completed in error, the notice of the suspension and  
25 disqualification shall not be mailed to the person or entered  
26 to the driving record, but rather the sworn report shall be

1 returned to the issuing law enforcement agency.

2 (e) A driver may contest this suspension and  
3 disqualification by requesting an administrative hearing with  
4 the Secretary of State in accordance with Section 2-118 of  
5 this Code. An individual whose blood alcohol concentration is  
6 shown to be more than 0.00 is not subject to this Section if he  
7 or she consumed alcohol in the performance of a religious  
8 service or ceremony. An individual whose blood alcohol  
9 concentration is shown to be more than 0.00 shall not be  
10 subject to this Section if the individual's blood alcohol  
11 concentration resulted only from ingestion of the prescribed  
12 or recommended dosage of medicine that contained alcohol. The  
13 petition for that hearing shall not stay or delay the  
14 effective date of the impending suspension. The scope of this  
15 hearing shall be limited to the issues of:

16 (1) whether the police officer had probable cause to  
17 believe that the person was driving or in actual physical  
18 control of a motor vehicle upon the public highways of the  
19 State and the police officer had reason to believe that  
20 the person was in violation of any provision of the  
21 Illinois Vehicle Code or a similar provision of a local  
22 ordinance; and

23 (2) whether the person was issued a Uniform Traffic  
24 Ticket for any violation of the Illinois Vehicle Code or a  
25 similar provision of a local ordinance; and

26 (3) whether the police officer had probable cause to

1 believe that the driver had consumed any amount of an  
2 alcoholic beverage based upon the driver's physical  
3 actions or other first-hand knowledge of the police  
4 officer; and

5 (4) whether the person, after being advised by the  
6 officer that the privilege to operate a motor vehicle  
7 would be suspended if the person refused to submit to and  
8 complete the test or tests, did refuse to submit to or  
9 complete the test or tests to determine the person's  
10 alcohol concentration; and

11 (5) whether the person, after being advised by the  
12 officer that the privileges to operate a motor vehicle  
13 would be suspended if the person submits to a chemical  
14 test or tests and the test or tests disclose an alcohol  
15 concentration of more than 0.00, did submit to and  
16 complete the test or tests that determined an alcohol  
17 concentration of more than 0.00; and

18 (6) whether the test result of an alcohol  
19 concentration of more than 0.00 was based upon the  
20 person's consumption of alcohol in the performance of a  
21 religious service or ceremony; and

22 (7) whether the test result of an alcohol  
23 concentration of more than 0.00 was based upon the  
24 person's consumption of alcohol through ingestion of the  
25 prescribed or recommended dosage of medicine.

26 At the conclusion of the hearing held under Section 2-118

1 of this Code, the Secretary of State may rescind, continue, or  
2 modify the suspension and disqualification. If the Secretary  
3 of State does not rescind the suspension and disqualification,  
4 a restricted driving permit may be granted by the Secretary of  
5 State upon application being made and good cause shown. A  
6 restricted driving permit may be granted to relieve undue  
7 hardship by allowing driving for employment, educational, and  
8 medical purposes as outlined in item (3) of part (c) of Section  
9 6-206 of this Code. The provisions of item (3) of part (c) of  
10 Section 6-206 of this Code and of subsection (f) of that  
11 Section shall apply. The Secretary of State shall promulgate  
12 rules providing for participation in an alcohol education and  
13 awareness program or activity, a drug education and awareness  
14 program or activity, or both as a condition to the issuance of  
15 a restricted driving permit for suspensions imposed under this  
16 Section.

17 (f) The results of any chemical testing performed in  
18 accordance with subsection (a) of this Section are not  
19 admissible in any civil or criminal proceeding, except that  
20 the results of the testing may be considered at a hearing held  
21 under Section 2-118 of this Code. However, the results of the  
22 testing may not be used to impose driver's license sanctions  
23 under Section 11-501.1 of this Code. A law enforcement officer  
24 may, however, pursue a statutory summary suspension or  
25 revocation of driving privileges under Section 11-501.1 of  
26 this Code if other physical evidence or first hand knowledge

1 forms the basis of that suspension or revocation.

2 (g) This Section applies only to drivers who are under age  
3 21 at the time of the issuance of a Uniform Traffic Ticket for  
4 a violation of the Illinois Vehicle Code or a similar  
5 provision of a local ordinance, and a chemical test request is  
6 made under this Section.

7 (h) The action of the Secretary of State in suspending,  
8 revoking, cancelling, or disqualifying any license or permit  
9 shall be subject to judicial review in the Circuit Court of  
10 Sangamon County or in the Circuit Court of Cook County, and the  
11 provisions of the Administrative Review Law and its rules are  
12 hereby adopted and shall apply to and govern every action for  
13 the judicial review of final acts or decisions of the  
14 Secretary of State under this Section.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 (625 ILCS 5/11-506)

17 Sec. 11-506. Street racing; aggravated street racing.

18 (a) No person shall engage in street racing on any street  
19 or highway of this State.

20 (b) No owner of any vehicle shall acquiesce in or permit  
21 his or her vehicle to be used by another for the purpose of  
22 street racing.

23 (c) For the purposes of this Section, the following words  
24 shall have the meanings ascribed to them:

25 "Acquiesce" or "permit" means actual knowledge that the

1 motor vehicle was to be used for the purpose of street racing.

2 "Street racing" means:

3 (1) The operation of 2 or more vehicles from a point  
4 side by side at accelerating speeds in a competitive  
5 attempt to outdistance each other; or

6 (2) The operation of one or more vehicles over a  
7 common selected course, each starting at the same point,  
8 for the purpose of comparing the relative speeds or power  
9 of acceleration of such vehicle or vehicles within a  
10 certain distance or time limit; or

11 (3) The use of one or more vehicles in an attempt to  
12 outgain or outdistance another vehicle; or

13 (4) The use of one or more vehicles to prevent another  
14 vehicle from passing; or

15 (5) The use of one or more vehicles to arrive at a  
16 given destination ahead of another vehicle or vehicles; or

17 (6) The use of one or more vehicles to test the  
18 physical stamina or endurance of drivers over  
19 long-distance driving routes.

20 (d) Penalties.

21 (1) Any person who is convicted of a violation of  
22 subsection (a) shall be guilty of a Class A misdemeanor  
23 for the first offense and shall be subject to a minimum  
24 fine of \$250. Any person convicted of a violation of  
25 subsection (a) a second or subsequent time shall be guilty  
26 of a Class 4 felony and shall be subject to a minimum fine

1 of \$500. The driver's license of any person convicted of  
2 subsection (a) shall be revoked in the manner provided by  
3 Section 6-205 of this Code.

4 (2) Any person who is convicted of a violation of  
5 subsection (b) shall be guilty of a Class B misdemeanor.  
6 Any person who is convicted of subsection (b) for a second  
7 or subsequent time shall be guilty of a Class A  
8 misdemeanor.

9 (3) Every person convicted of committing a violation  
10 of subsection (a) of this Section shall be guilty of  
11 aggravated street racing if the person, in committing a  
12 violation of subsection (a) was involved in a motor  
13 vehicle crashes ~~accident~~ that resulted in great bodily  
14 harm or permanent disability or disfigurement to another,  
15 where the violation was a proximate cause of the injury.  
16 Aggravated street racing is a Class 4 felony for which the  
17 defendant, if sentenced to a term of imprisonment shall be  
18 sentenced to not less than one year nor more than 12 years.

19 (Source: P.A. 95-310, eff. 1-1-08.)

20 (625 ILCS 5/11-610) (from Ch. 95 1/2, par. 11-610)

21 Sec. 11-610. Charging Violations and Rule in Civil  
22 Actions. (a) In every charge of violation of any speed  
23 regulation in this article the complaint, and also the summons  
24 or notice to appear, shall specify the speed at which the  
25 defendant is alleged to have driven and the maximum speed

1 applicable within the district or at the location.

2 (b) The provision of this article declaring maximum speed  
3 limitations shall not be construed to relieve the plaintiff in  
4 any action from the burden of proving negligence on the part of  
5 the defendant as the proximate cause of a crash ~~an accident~~.

6 (Source: P.A. 79-1069.)

7 (625 ILCS 5/11-1431)

8 Sec. 11-1431. Solicitations at crash ~~accident~~ or  
9 disablement scene prohibited.

10 (a) A tower, as defined by Section 1-205.2 of this Code, or  
11 an employee or agent of a tower may not: (i) stop at the scene  
12 of a motor vehicle crash ~~accident~~ or at or near a damaged or  
13 disabled vehicle for the purpose of soliciting the owner or  
14 operator of the damaged or disabled vehicle to enter into a  
15 towing service transaction; or (ii) stop at the scene of a  
16 crash ~~an accident~~ or at or near a damaged or disabled vehicle  
17 unless called to the location by a law enforcement officer,  
18 the Illinois Department of Transportation, the Illinois State  
19 Toll Highway Authority, a local agency having jurisdiction  
20 over the highway, the owner or operator of the damaged or  
21 disabled vehicle, or the owner or operator's authorized agent,  
22 including his or her insurer or motor club of which the owner  
23 or operator is a member. This Section shall not apply to  
24 employees of the Department, the Illinois State Toll Highway  
25 Authority, or local agencies when engaged in their official



1 duties. Nothing in this Section shall prevent a tower from  
2 stopping at the scene of a motor vehicle crash ~~accident~~ or at  
3 or near a damaged or disabled vehicle if the owner or operator  
4 signals the tower for assistance from the location of the  
5 motor vehicle crash ~~accident~~ or damaged or disabled vehicle.

6 (b) A person or company who violates this Section is  
7 guilty of a Class 4 felony. A person convicted of violating  
8 this Section shall also have his or her driver's license,  
9 permit, or privileges suspended for 3 months. After the  
10 expiration of the 3-month suspension, the person's driver's  
11 license, permit, or privileges shall not be reinstated until  
12 he or she has paid a reinstatement fee of \$100. If a person  
13 violates this Section while his or her driver's license,  
14 permit, or privileges are suspended under this subsection (b),  
15 his or her driver's license, permit, or privileges shall be  
16 suspended for an additional 6 months, and shall not be  
17 reinstated after the expiration of the 6-month suspension  
18 until he or she pays a reinstatement fee of \$100. A vehicle  
19 owner, or his or her authorized agent or automobile insurer,  
20 may bring a claim against a company or person who willfully and  
21 materially violates this Section. A court may award the  
22 prevailing party reasonable attorney's fees, costs, and  
23 expenses relating to that action.

24 (Source: P.A. 99-438, eff. 1-1-16; 99-848, eff. 8-19-16;  
25 100-201, eff. 8-18-17.)

1 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

2 Sec. 12-215. Oscillating, rotating or flashing lights on  
3 motor vehicles. Except as otherwise provided in this Code:

4 (a) The use of red or white oscillating, rotating or  
5 flashing lights, whether lighted or unlighted, is prohibited  
6 except on:

7 1. Law enforcement vehicles of State, Federal or local  
8 authorities;

9 2. A vehicle operated by a police officer or county  
10 coroner and designated or authorized by local authorities,  
11 in writing, as a law enforcement vehicle; however, such  
12 designation or authorization must be carried in the  
13 vehicle;

14 2.1. A vehicle operated by a fire chief, deputy fire  
15 chief, or assistant fire chief who has completed an  
16 emergency vehicle operation training course approved by  
17 the Office of the State Fire Marshal and designated or  
18 authorized by local authorities, in writing, as a fire  
19 department, fire protection district, or township fire  
20 department vehicle; however, the designation or  
21 authorization must be carried in the vehicle, and the  
22 lights may be visible or activated only when responding to  
23 a bona fide emergency;

24 3. Vehicles of local fire departments and State or  
25 federal firefighting vehicles;

26 4. Vehicles which are designed and used exclusively as

1 ambulances or rescue vehicles; furthermore, such lights  
2 shall not be lighted except when responding to an  
3 emergency call for and while actually conveying the sick  
4 or injured;

5 4.5. Vehicles which are occasionally used as rescue  
6 vehicles that have been authorized for use as rescue  
7 vehicles by a volunteer EMS provider, provided that the  
8 operator of the vehicle has successfully completed an  
9 emergency vehicle operation training course recognized by  
10 the Department of Public Health; furthermore, the lights  
11 shall not be lighted except when responding to an  
12 emergency call for the sick or injured;

13 5. Tow trucks licensed in a state that requires such  
14 lights; furthermore, such lights shall not be lighted on  
15 any such tow truck while the tow truck is operating in the  
16 State of Illinois;

17 6. Vehicles of the Illinois Emergency Management  
18 Agency, vehicles of the Office of the Illinois State Fire  
19 Marshal, vehicles of the Illinois Department of Public  
20 Health, vehicles of the Illinois Department of  
21 Corrections, and vehicles of the Illinois Department of  
22 Juvenile Justice;

23 7. Vehicles operated by a local or county emergency  
24 management services agency as defined in the Illinois  
25 Emergency Management Agency Act;

26 8. School buses operating alternately flashing head

1 lamps as permitted under Section 12-805 of this Code;

2 9. Vehicles that are equipped and used exclusively as  
3 organ transplant vehicles when used in combination with  
4 blue oscillating, rotating, or flashing lights;  
5 furthermore, these lights shall be lighted only when the  
6 transportation is declared an emergency by a member of the  
7 transplant team or a representative of the organ  
8 procurement organization;

9 10. Vehicles of the Illinois Department of Natural  
10 Resources that are used for mine rescue and explosives  
11 emergency response;

12 11. Vehicles of the Illinois Department of  
13 Transportation identified as Emergency Traffic Patrol; the  
14 lights shall not be lighted except when responding to an  
15 emergency call or when parked or stationary while engaged  
16 in motor vehicle assistance or at the scene of the  
17 emergency; and

18 12. Vehicles of the Illinois State Toll Highway  
19 Authority with a gross vehicle weight rating of 9,000  
20 pounds or more and those identified as Highway Emergency  
21 Lane Patrol; the lights shall not be lighted except when  
22 responding to an emergency call or when parked or  
23 stationary while engaged in motor vehicle assistance or at  
24 the scene of the emergency.

25 (b) The use of amber oscillating, rotating or flashing  
26 lights, whether lighted or unlighted, is prohibited except on:

1           1. Second division vehicles designed and used for  
2 towing or hoisting vehicles; furthermore, such lights  
3 shall not be lighted except as required in this paragraph  
4 1; such lights shall be lighted when such vehicles are  
5 actually being used at the scene of a crash ~~an accident~~ or  
6 disablement; if the towing vehicle is equipped with a flat  
7 bed that supports all wheels of the vehicle being  
8 transported, the lights shall not be lighted while the  
9 vehicle is engaged in towing on a highway; if the towing  
10 vehicle is not equipped with a flat bed that supports all  
11 wheels of a vehicle being transported, the lights shall be  
12 lighted while the towing vehicle is engaged in towing on a  
13 highway during all times when the use of headlights is  
14 required under Section 12-201 of this Code; in addition,  
15 these vehicles may use white oscillating, rotating, or  
16 flashing lights in combination with amber oscillating,  
17 rotating, or flashing lights as provided in this  
18 paragraph;

19           2. Motor vehicles or equipment of the State of  
20 Illinois, the Illinois State Toll Highway Authority, local  
21 authorities and contractors; furthermore, such lights  
22 shall not be lighted except while such vehicles are  
23 engaged in maintenance or construction operations within  
24 the limits of construction projects;

25           3. Vehicles or equipment used by engineering or survey  
26 crews; furthermore, such lights shall not be lighted

1           except while such vehicles are actually engaged in work on  
2           a highway;

3           4. Vehicles of public utilities, municipalities, or  
4           other construction, maintenance or automotive service  
5           vehicles except that such lights shall be lighted only as  
6           a means for indicating the presence of a vehicular traffic  
7           hazard requiring unusual care in approaching, overtaking  
8           or passing while such vehicles are engaged in maintenance,  
9           service or construction on a highway;

10          5. Oversized vehicle or load; however, such lights  
11          shall only be lighted when moving under permit issued by  
12          the Department under Section 15-301 of this Code;

13          6. The front and rear of motorized equipment owned and  
14          operated by the State of Illinois or any political  
15          subdivision thereof, which is designed and used for  
16          removal of snow and ice from highways;

17          6.1. The front and rear of motorized equipment or  
18          vehicles that (i) are not owned by the State of Illinois or  
19          any political subdivision of the State, (ii) are designed  
20          and used for removal of snow and ice from highways and  
21          parking lots, and (iii) are equipped with a snow plow that  
22          is 12 feet in width; these lights may not be lighted except  
23          when the motorized equipment or vehicle is actually being  
24          used for those purposes on behalf of a unit of government;

25          7. Fleet safety vehicles registered in another state,  
26          furthermore, such lights shall not be lighted except as

1 provided for in Section 12-212 of this Code;

2 8. Such other vehicles as may be authorized by local  
3 authorities;

4 9. Law enforcement vehicles of State or local  
5 authorities when used in combination with red oscillating,  
6 rotating or flashing lights;

7 9.5. Propane delivery trucks;

8 10. Vehicles used for collecting or delivering mail  
9 for the United States Postal Service provided that such  
10 lights shall not be lighted except when such vehicles are  
11 actually being used for such purposes;

12 10.5. Vehicles of the Office of the Illinois State  
13 Fire Marshal, provided that such lights shall not be  
14 lighted except for when such vehicles are engaged in work  
15 for the Office of the Illinois State Fire Marshal;

16 11. Any vehicle displaying a slow-moving vehicle  
17 emblem as provided in Section 12-205.1;

18 12. All trucks equipped with self-compactors or  
19 roll-off hoists and roll-on containers for garbage,  
20 recycling, or refuse hauling. Such lights shall not be  
21 lighted except when such vehicles are actually being used  
22 for such purposes;

23 13. Vehicles used by a security company, alarm  
24 responder, control agency, or the Illinois Department of  
25 Corrections;

26 14. Security vehicles of the Department of Human

1 Services; however, the lights shall not be lighted except  
2 when being used for security related purposes under the  
3 direction of the superintendent of the facility where the  
4 vehicle is located; and

5 15. Vehicles of union representatives, except that the  
6 lights shall be lighted only while the vehicle is within  
7 the limits of a construction project.

8 (c) The use of blue oscillating, rotating or flashing  
9 lights, whether lighted or unlighted, is prohibited except on:

10 1. Rescue squad vehicles not owned by a fire  
11 department and vehicles owned or operated by a:

12 voluntary firefighter;

13 paid firefighter;

14 part-paid firefighter;

15 call firefighter;

16 member of the board of trustees of a fire  
17 protection district;

18 paid or unpaid member of a rescue squad;

19 paid or unpaid member of a voluntary ambulance  
20 unit; or

21 paid or unpaid members of a local or county  
22 emergency management services agency as defined in the  
23 Illinois Emergency Management Agency Act, designated  
24 or authorized by local authorities, in writing, and  
25 carrying that designation or authorization in the  
26 vehicle.



1           However, such lights are not to be lighted except when  
2           responding to a bona fide emergency or when parked or  
3           stationary at the scene of a fire, rescue call, ambulance  
4           call, or motor vehicle crash ~~accident~~.

5           Any person using these lights in accordance with this  
6           subdivision (c)1 must carry on his or her person an  
7           identification card or letter identifying the bona fide  
8           member of a fire department, fire protection district,  
9           rescue squad, ambulance unit, or emergency management  
10          services agency that owns or operates that vehicle. The  
11          card or letter must include:

12                 (A) the name of the fire department, fire  
13                 protection district, rescue squad, ambulance unit, or  
14                 emergency management services agency;

15                 (B) the member's position within the fire  
16                 department, fire protection district, rescue squad,  
17                 ambulance unit, or emergency management services  
18                 agency;

19                 (C) the member's term of service; and

20                 (D) the name of a person within the fire  
21                 department, fire protection district, rescue squad,  
22                 ambulance unit, or emergency management services  
23                 agency to contact to verify the information provided.

24           2. Police department vehicles in cities having a  
25           population of 500,000 or more inhabitants.

26           3. Law enforcement vehicles of State or local

1 authorities when used in combination with red oscillating,  
2 rotating or flashing lights.

3 4. Vehicles of local fire departments and State or  
4 federal firefighting vehicles when used in combination  
5 with red oscillating, rotating or flashing lights.

6 5. Vehicles which are designed and used exclusively as  
7 ambulances or rescue vehicles when used in combination  
8 with red oscillating, rotating or flashing lights;  
9 furthermore, such lights shall not be lighted except when  
10 responding to an emergency call.

11 6. Vehicles that are equipped and used exclusively as  
12 organ transport vehicles when used in combination with red  
13 oscillating, rotating, or flashing lights; furthermore,  
14 these lights shall only be lighted when the transportation  
15 is declared an emergency by a member of the transplant  
16 team or a representative of the organ procurement  
17 organization.

18 7. Vehicles of the Illinois Emergency Management  
19 Agency, vehicles of the Office of the Illinois State Fire  
20 Marshal, vehicles of the Illinois Department of Public  
21 Health, vehicles of the Illinois Department of  
22 Corrections, and vehicles of the Illinois Department of  
23 Juvenile Justice, when used in combination with red  
24 oscillating, rotating, or flashing lights.

25 8. Vehicles operated by a local or county emergency  
26 management services agency as defined in the Illinois

1           Emergency Management Agency Act, when used in combination  
2           with red oscillating, rotating, or flashing lights.

3           9. Vehicles of the Illinois Department of Natural  
4           Resources that are used for mine rescue and explosives  
5           emergency response, when used in combination with red  
6           oscillating, rotating, or flashing lights.

7           (c-1) In addition to the blue oscillating, rotating, or  
8           flashing lights permitted under subsection (c), and  
9           notwithstanding subsection (a), a vehicle operated by a  
10          voluntary firefighter, a voluntary member of a rescue squad,  
11          or a member of a voluntary ambulance unit may be equipped with  
12          flashing white headlights and blue grill lights, which may be  
13          used only in responding to an emergency call or when parked or  
14          stationary at the scene of a fire, rescue call, ambulance  
15          call, or motor vehicle crash ~~accident~~.

16          (c-2) In addition to the blue oscillating, rotating, or  
17          flashing lights permitted under subsection (c), and  
18          notwithstanding subsection (a), a vehicle operated by a paid  
19          or unpaid member of a local or county emergency management  
20          services agency as defined in the Illinois Emergency  
21          Management Agency Act, may be equipped with white oscillating,  
22          rotating, or flashing lights to be used in combination with  
23          blue oscillating, rotating, or flashing lights, if  
24          authorization by local authorities is in writing and carried  
25          in the vehicle.

26          (d) The use of a combination of amber and white

1 oscillating, rotating or flashing lights, whether lighted or  
2 unlighted, is prohibited except on second division vehicles  
3 designed and used for towing or hoisting vehicles or motor  
4 vehicles or equipment of the State of Illinois, local  
5 authorities, contractors, and union representatives;  
6 furthermore, such lights shall not be lighted on second  
7 division vehicles designed and used for towing or hoisting  
8 vehicles or vehicles of the State of Illinois, local  
9 authorities, and contractors except while such vehicles are  
10 engaged in a tow operation, highway maintenance, or  
11 construction operations within the limits of highway  
12 construction projects, and shall not be lighted on the  
13 vehicles of union representatives except when those vehicles  
14 are within the limits of a construction project.

15 (e) All oscillating, rotating or flashing lights referred  
16 to in this Section shall be of sufficient intensity, when  
17 illuminated, to be visible at 500 feet in normal sunlight.

18 (f) Nothing in this Section shall prohibit a manufacturer  
19 of oscillating, rotating or flashing lights or his  
20 representative or authorized vendor from temporarily mounting  
21 such lights on a vehicle for demonstration purposes only. If  
22 the lights are not covered while the vehicle is operated upon a  
23 highway, the vehicle shall display signage indicating that the  
24 vehicle is out of service or not an emergency vehicle. The  
25 signage shall be displayed on all sides of the vehicle in  
26 letters at least 2 inches tall and one-half inch wide. A

1 vehicle authorized to have oscillating, rotating, or flashing  
2 lights mounted for demonstration purposes may not activate the  
3 lights while the vehicle is operated upon a highway.

4 (g) Any person violating the provisions of subsections  
5 (a), (b), (c) or (d) of this Section who without lawful  
6 authority stops or detains or attempts to stop or detain  
7 another person shall be guilty of a Class 2 felony.

8 (h) Except as provided in subsection (g) above, any person  
9 violating the provisions of subsections (a) or (c) of this  
10 Section shall be guilty of a Class A misdemeanor.

11 (Source: P.A. 100-62, eff. 8-11-17; 101-56, eff. 1-1-20.)

12 (625 ILCS 5/12-604.1)

13 Sec. 12-604.1. Video devices.

14 (a) A person may not operate a motor vehicle if a  
15 television receiver, a video monitor, a television or video  
16 screen, or any other similar means of visually displaying a  
17 television broadcast or video signal that produces  
18 entertainment or business applications is operating and is  
19 located in the motor vehicle at any point forward of the back  
20 of the driver's seat, or is operating and visible to the driver  
21 while driving the motor vehicle.

22 (a-5) A person commits aggravated use of a video device  
23 when he or she violates subsection (a) and in committing the  
24 violation he or she was involved in a motor vehicle crash  
25 ~~accident~~ that results in great bodily harm, permanent

1 disability, disfigurement, or death to another and the  
2 violation was a proximate cause of the injury or death.

3 (b) This Section does not apply to the following  
4 equipment, whether or not permanently installed in a vehicle:

5 (1) a vehicle information display;

6 (2) a global positioning display;

7 (3) a mapping or navigation display;

8 (4) a visual display used to enhance or supplement the  
9 driver's view forward, behind, or to the sides of a motor  
10 vehicle for the purpose of maneuvering the vehicle;

11 (5) television-type receiving equipment used  
12 exclusively for safety or traffic engineering studies; or

13 (6) a television receiver, video monitor, television  
14 or video screen, or any other similar means of visually  
15 displaying a television broadcast or video signal, if that  
16 equipment has an interlock device that, when the motor  
17 vehicle is driven, disables the equipment for all uses  
18 except as a visual display as described in paragraphs (1)  
19 through (5) of this subsection (b).

20 (c) This Section does not apply to a mobile, digital  
21 terminal installed in an authorized emergency vehicle, a motor  
22 vehicle providing emergency road service or roadside  
23 assistance, or to motor vehicles utilized for public  
24 transportation.

25 (d) This Section does not apply to a television receiver,  
26 video monitor, television or video screen, or any other

1 similar means of visually displaying a television broadcast or  
2 video signal if: (i) the equipment is permanently installed in  
3 the motor vehicle; and (ii) the moving entertainment images  
4 that the equipment displays are not visible to the driver  
5 while the motor vehicle is in motion.

6 (d-5) This Section does not apply to a video event  
7 recorder, as defined in Section 1-218.10 of this Code,  
8 installed in a contract carrier vehicle.

9 (e) Except as provided in subsection (f) of this Section,  
10 a person convicted of violating this Section is guilty of a  
11 petty offense and shall be fined not more than \$100 for a first  
12 offense, not more than \$200 for a second offense within one  
13 year of a previous conviction, and not more than \$250 for a  
14 third or subsequent offense within one year of 2 previous  
15 convictions.

16 (f) A person convicted of violating subsection (a-5)  
17 commits a Class A misdemeanor if the violation resulted in  
18 great bodily harm, permanent disability, or disfigurement to  
19 another. A person convicted of violating subsection (a-5)  
20 commits a Class 4 felony if the violation resulted in the death  
21 of another person.

22 (Source: P.A. 98-507, eff. 1-1-14; 99-689, eff. 1-1-17.)

23 (625 ILCS 5/12-610.1)

24 Sec. 12-610.1. Wireless telephones.

25 (a) As used in this Section, "wireless telephone" means a

1 device that is capable of transmitting or receiving telephonic  
2 communications without a wire connecting the device to the  
3 telephone network.

4 (b) A person under the age of 19 years who holds an  
5 instruction permit issued under Section 6-105 or 6-107.1, or a  
6 person under the age of 19 years who holds a graduated license  
7 issued under Section 6-107, may not drive a vehicle on a  
8 roadway while using a wireless phone.

9 (b-5) A person under the age of 19 commits aggravated use  
10 of a wireless telephone when he or she violates subsection (b)  
11 and in committing the violation he or she was involved in a  
12 motor vehicle crash ~~accident~~ that results in great bodily  
13 harm, permanent disability, disfigurement, or death to another  
14 and the violation was a proximate cause of the injury or death.

15 (c) This Section does not apply to a person under the age  
16 of 19 years using a wireless telephone for emergency purposes,  
17 including, but not limited to, an emergency call to a law  
18 enforcement agency, health care provider, fire department, or  
19 other emergency services agency or entity.

20 (d) If a graduated driver's license holder over the age of  
21 18 committed an offense against traffic regulations governing  
22 the movement of vehicles or any violation of Section 6-107 or  
23 Section 12-603.1 of this Code in the 6 months prior to the  
24 graduated driver's license holder's 18th birthday, and was  
25 subsequently convicted of the violation, the provisions of  
26 paragraph (b) shall continue to apply until such time as a



1 period of 6 consecutive months has elapsed without an  
2 additional violation and subsequent conviction of an offense  
3 against traffic regulations governing the movement of vehicles  
4 or any violation of Section 6-107 or Section 12-603.1 of this  
5 Code.

6 (e) A person, regardless of age, may not use a wireless  
7 telephone at any time while operating a motor vehicle on a  
8 roadway in a school speed zone established under Section  
9 11-605, on a highway in a construction or maintenance speed  
10 zone established under Section 11-605.1, or within 500 feet of  
11 an emergency scene. As used in this Section, "emergency scene"  
12 means a location where an authorized emergency vehicle as  
13 defined by Section 1-105 of this Code is present and has  
14 activated its oscillating, rotating, or flashing lights. This  
15 subsection (e) does not apply to (i) a person engaged in a  
16 highway construction or maintenance project for which a  
17 construction or maintenance speed zone has been established  
18 under Section 11-605.1, (ii) a person using a wireless  
19 telephone for emergency purposes, including, but not limited  
20 to, law enforcement agency, health care provider, fire  
21 department, or other emergency services agency or entity,  
22 (iii) a law enforcement officer or operator of an emergency  
23 vehicle when performing the officer's or operator's official  
24 duties, (iv) a person using a wireless telephone in  
25 voice-operated mode, which may include the use of a headset,  
26 (v) a person using a wireless telephone by pressing a single

1 button to initiate or terminate a voice communication, or (vi)  
2 a person using an electronic communication device for the sole  
3 purpose of reporting an emergency situation and continued  
4 communication with emergency personnel during the emergency  
5 situation.

6 (e-5) A person commits aggravated use of a wireless  
7 telephone when he or she violates subsection (e) and in  
8 committing the violation he or she was involved in a motor  
9 vehicle crash ~~accident~~ that results in great bodily harm,  
10 permanent disability, disfigurement, or death to another and  
11 the violation was a proximate cause of the injury or death.

12 (f) A person convicted of violating subsection (b-5) or  
13 (e-5) commits a Class A misdemeanor if the violation resulted  
14 in great bodily harm, permanent disability, or disfigurement  
15 to another. A person convicted of violating subsection (b-5)  
16 or (e-5) commits a Class 4 felony if the violation resulted in  
17 the death of another person.

18 (Source: P.A. 97-828, eff. 7-20-12; 97-830, eff. 1-1-13;  
19 98-463, eff. 8-16-13; 98-507, eff. 1-1-14.)

20 (625 ILCS 5/12-610.2)

21 Sec. 12-610.2. Electronic communication devices.

22 (a) As used in this Section:

23 "Electronic communication device" means an electronic  
24 device, including, but not limited to, a hand-held wireless  
25 telephone, hand-held personal digital assistant, or a portable

1 or mobile computer, but does not include a global positioning  
2 system or navigation system or a device that is physically or  
3 electronically integrated into the motor vehicle.

4 (b) A person may not operate a motor vehicle on a roadway  
5 while using an electronic communication device, including  
6 using an electronic communication device to watch or stream  
7 video.

8 (b-5) A person commits aggravated use of an electronic  
9 communication device when he or she violates subsection (b)  
10 and in committing the violation he or she is involved in a  
11 motor vehicle crash ~~accident~~ that results in great bodily  
12 harm, permanent disability, disfigurement, or death to another  
13 and the violation is a proximate cause of the injury or death.

14 (c) A violation of this Section is an offense against  
15 traffic regulations governing the movement of vehicles. A  
16 person who violates this Section shall be fined a maximum of  
17 \$75 for a first offense, \$100 for a second offense, \$125 for a  
18 third offense, and \$150 for a fourth or subsequent offense,  
19 except that a person who violates subsection (b-5) shall be  
20 assessed a minimum fine of \$1,000.

21 (d) This Section does not apply to:

22 (1) a law enforcement officer or operator of an  
23 emergency vehicle while performing his or her official  
24 duties;

25 (1.5) a first responder, including a volunteer first  
26 responder, while operating his or her own personal motor

1 vehicle using an electronic communication device for the  
2 sole purpose of receiving information about an emergency  
3 situation while en route to performing his or her official  
4 duties;

5 (2) a driver using an electronic communication device  
6 for the sole purpose of reporting an emergency situation  
7 and continued communication with emergency personnel  
8 during the emergency situation;

9 (3) a driver using an electronic communication device  
10 in hands-free or voice-operated mode, which may include  
11 the use of a headset;

12 (4) a driver of a commercial motor vehicle reading a  
13 message displayed on a permanently installed communication  
14 device designed for a commercial motor vehicle with a  
15 screen that does not exceed 10 inches tall by 10 inches  
16 wide in size;

17 (5) a driver using an electronic communication device  
18 while parked on the shoulder of a roadway;

19 (6) a driver using an electronic communication device  
20 when the vehicle is stopped due to normal traffic being  
21 obstructed and the driver has the motor vehicle  
22 transmission in neutral or park;

23 (7) a driver using two-way or citizens band radio  
24 services;

25 (8) a driver using two-way mobile radio transmitters  
26 or receivers for licensees of the Federal Communications

1 Commission in the amateur radio service;

2 (9) a driver using an electronic communication device  
3 by pressing a single button to initiate or terminate a  
4 voice communication; or

5 (10) a driver using an electronic communication device  
6 capable of performing multiple functions, other than a  
7 hand-held wireless telephone or hand-held personal digital  
8 assistant (for example, a fleet management system,  
9 dispatching device, citizens band radio, or music player)  
10 for a purpose that is not otherwise prohibited by this  
11 Section.

12 (e) A person convicted of violating subsection (b-5)  
13 commits a Class A misdemeanor if the violation resulted in  
14 great bodily harm, permanent disability, or disfigurement to  
15 another. A person convicted of violating subsection (b-5)  
16 commits a Class 4 felony if the violation resulted in the death  
17 of another person.

18 (Source: P.A. 101-81, eff. 7-12-19; 101-90, eff. 7-1-20;  
19 101-297, eff. 1-1-20; 102-558, eff. 8-20-21.)

20 (625 ILCS 5/12-707.01) (from Ch. 95 1/2, par. 12-707.01)

21 Sec. 12-707.01. Liability insurance.

22 (a) No school bus, first division vehicle including a taxi  
23 which is used for a purpose that requires a school bus driver  
24 permit, commuter van or motor vehicle owned by or used for hire  
25 by and in connection with the operation of private or public

1 schools, day camps, summer camps or nursery schools, and no  
2 commuter van or passenger car used for a for-profit  
3 ridesharing arrangement, shall be operated for such purposes  
4 unless the owner thereof shall carry a minimum of personal  
5 injury liability insurance in the amount of \$25,000 for any  
6 one person in any one crash ~~accident~~, and subject to the limit  
7 for one person, \$100,000 for two or more persons injured by  
8 reason of the operation of the vehicle in any one crash  
9 ~~accident~~. This subsection (a) applies only to personal injury  
10 liability policies issued or renewed before January 1, 2013.

11 (b) Liability insurance policies issued or renewed on and  
12 after January 1, 2013 shall comply with the following:

13 (1) except as provided in subparagraph (2) of this  
14 subsection (b), any vehicle that is used for a purpose  
15 that requires a school bus driver permit under Section  
16 6-104 of this Code shall carry a minimum of liability  
17 insurance in the amount of \$2,000,000. This minimum  
18 insurance requirement may be satisfied by either (i) a  
19 \$2,000,000 combined single limit primary commercial  
20 automobile policy; or (ii) a \$1 million primary commercial  
21 automobile policy and a minimum \$5,000,000 excess or  
22 umbrella liability policy;

23 (2) any vehicle that is used for a purpose that  
24 requires a school bus driver permit under Section 6-104 of  
25 this Code and is used in connection with the operation of  
26 private day care facilities, day camps, summer camps, or

1 nursery schools shall carry a minimum of liability  
2 insurance in the amount of \$1,000,000 combined single  
3 limit per crash ~~accident~~;

4 (3) any commuter van or passenger car used for a  
5 for-profit ridesharing arrangement shall carry a minimum  
6 of liability insurance in the amount of \$500,000 combined  
7 single limit per crash ~~accident~~.

8 (c) Primary insurance coverage under the provisions of  
9 this Section must be provided by a licensed and admitted  
10 insurance carrier or an intergovernmental cooperative formed  
11 under Section 10 of Article VII of the Illinois Constitution,  
12 or Section 6 or 9 of the Intergovernmental Cooperation Act, or  
13 provided by a certified self-insurer under Section 7-502 of  
14 this Code. The excess or umbrella liability coverage  
15 requirement may be met by securing surplus line insurance as  
16 defined under Section 445 of the Illinois Insurance Code. If  
17 the excess or umbrella liability coverage requirement is met  
18 by securing surplus line insurance, that coverage must be  
19 effected through a licensed surplus line producer acting under  
20 the surplus line insurance laws and regulations of this State.  
21 Nothing in this subsection (c) shall be construed as  
22 prohibiting a licensed and admitted insurance carrier or an  
23 intergovernmental cooperative formed under Section 10 of  
24 Article VII of the Illinois Constitution, or Section 6 or 9 of  
25 the Intergovernmental Cooperation Act, or a certified  
26 self-insurer under Section 7-502 of this Code, from retaining

1 the risk required under paragraphs (1) and (2) of subsection  
2 (b) of this Section or issuing a single primary policy meeting  
3 the requirements of paragraphs (1) and (2) of subsection (b).

4 (d) Each owner of a vehicle required to obtain the minimum  
5 liability requirements under subsection (b) of this Section  
6 shall attest that the vehicle meets the minimum insurance  
7 requirements under this Section. The Secretary of State shall  
8 create a form for each owner of a vehicle to attest that the  
9 owner meets the minimum insurance requirements and the owner  
10 of the vehicle shall submit the form with each registration  
11 application. The form shall be valid for the full registration  
12 period; however, if at any time the Secretary has reason to  
13 believe that the owner does not have the minimum required  
14 amount of insurance for a vehicle, then the Secretary may  
15 require a certificate of insurance, or its equivalent, to  
16 ensure the vehicle is insured. If the owner fails to produce a  
17 certificate of insurance, or its equivalent, within 2 calendar  
18 days after the request was made, then the Secretary may revoke  
19 the vehicle owner's registration until the Secretary is  
20 assured the vehicle meets the minimum insurance requirements.  
21 If the owner of a vehicle participates in an intergovernmental  
22 cooperative or is self-insured, then the owner shall attest  
23 that the insurance required under this Section is equivalent  
24 to or greater than the insurance required under paragraph (1)  
25 of subsection (b) of this Section. The Secretary may adopt any  
26 rules necessary to enforce the provisions of this subsection



1 (d).

2 (Source: P.A. 99-595, eff. 1-1-17.)

3 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

4 Sec. 13-109. Safety test prior to application for license  
5 - Subsequent tests - Repairs - Retest.

6 (a) Except as otherwise provided in Chapter 13, each  
7 second division vehicle, first division vehicle including a  
8 taxi which is used for a purpose that requires a school bus  
9 driver permit, and medical transport vehicle, except those  
10 vehicles other than school buses or medical transport vehicles  
11 owned or operated by a municipal corporation or political  
12 subdivision having a population of 1,000,000 or more  
13 inhabitants which are subjected to safety tests imposed by  
14 local ordinance or resolution, operated in whole or in part  
15 over the highways of this State, motor vehicle used for driver  
16 education training, and each vehicle designed to carry 15 or  
17 fewer passengers operated by a contract carrier transporting  
18 employees in the course of their employment on a highway of  
19 this State, shall be subjected to the safety test provided for  
20 in Chapter 13 of this Code. Tests shall be conducted at an  
21 official testing station within 6 months prior to the  
22 application for registration as provided for in this Code.  
23 Subsequently each vehicle shall be subject to tests (i) at  
24 least every 6 months, (ii) in the case of school buses and  
25 first division vehicles including taxis which are used for a

1 purpose that requires a school bus driver permit, at least  
2 every 6 months or 10,000 miles, whichever occurs first, (iii)  
3 in the case of driver education vehicles used by public high  
4 schools, at least every 12 months for vehicles over 5 model  
5 years of age or having an odometer reading of over 75,000  
6 miles, whichever occurs first, or (iv) in the case of truck  
7 tractors, semitrailers, and property-carrying vehicles  
8 registered for a gross weight of more than 10,000 pounds but  
9 less than 26,001 pounds, at least every 12 months, and  
10 according to schedules established by rules and regulations  
11 promulgated by the Department. Any component subject to  
12 regular inspection which is damaged in a reportable crash  
13 ~~accident~~ must be reinspected before the bus or first division  
14 vehicle including a taxi which is used for a purpose that  
15 requires a school bus driver permit is returned to service.

16 (b) The Department shall also conduct periodic  
17 nonscheduled inspections of school buses, of buses registered  
18 as charitable vehicles and of religious organization buses. If  
19 such inspection reveals that a vehicle is not in substantial  
20 compliance with the rules promulgated by the Department, the  
21 Department shall remove the Certificate of Safety from the  
22 vehicle, and shall place the vehicle out-of-service. A bright  
23 orange, triangular decal shall be placed on an out-of-service  
24 vehicle where the Certificate of Safety has been removed. The  
25 vehicle must pass a safety test at an official testing station  
26 before it is again placed in service.

1           (c) If the violation is not substantial a bright yellow,  
2 triangular sticker shall be placed next to the Certificate of  
3 Safety at the time the nonscheduled inspection is made. The  
4 Department shall reinspect the vehicle after 3 working days to  
5 determine that the violation has been corrected and remove the  
6 yellow, triangular decal. If the violation is not corrected  
7 within 3 working days, the Department shall place the vehicle  
8 out-of-service in accordance with procedures in subsection  
9 (b).

10           (d) If a violation is not substantial and does not  
11 directly affect the safe operation of the vehicle, the  
12 Department shall issue a warning notice requiring correction  
13 of the violation. Such correction shall be accomplished as  
14 soon as practicable and a report of the correction shall be  
15 made to the Department within 30 days in a manner established  
16 by the Department. If the Department has not been advised that  
17 the corrections have been made, and the violations still  
18 exist, the Department shall place the vehicle out-of-service  
19 in accordance with procedures in subsection (b).

20           (e) The Department is authorized to promulgate regulations  
21 to implement its program of nonscheduled inspections. Causing  
22 or allowing the operation of an out-of-service vehicle with  
23 passengers or unauthorized removal of an out-of-service  
24 sticker is a Class 3 felony. Causing or allowing the operation  
25 of a vehicle with a 3-day sticker for longer than 3 days with  
26 the sticker attached or the unauthorized removal of a 3-day

1 sticker is a Class C misdemeanor.

2 (f) If a second division vehicle, first division vehicle  
3 including a taxi which is used for a purpose that requires a  
4 school bus driver permit, medical transport vehicle, or  
5 vehicle operated by a contract carrier as provided in  
6 subsection (a) of this Section is in safe mechanical  
7 condition, as determined pursuant to Chapter 13, the operator  
8 of the official testing station must at once issue to the  
9 second division vehicle, first division vehicle including a  
10 taxi which is used for a purpose that requires a school bus  
11 driver permit, or medical transport vehicle a certificate of  
12 safety, in the form and manner prescribed by the Department,  
13 which shall be affixed to the vehicle by the certified safety  
14 tester who performed the safety tests. The owner of the second  
15 division vehicle, first division vehicle including a taxi  
16 which is used for a purpose that requires a school bus driver  
17 permit, or medical transport vehicle or the contract carrier  
18 shall at all times display the Certificate of Safety on the  
19 second division vehicle, first division vehicle including a  
20 taxi which is used for a purpose that requires a school bus  
21 driver permit, medical transport vehicle, or vehicle operated  
22 by a contract carrier in the manner prescribed by the  
23 Department.

24 (g) If a test shows that a second division vehicle, first  
25 division vehicle including a taxi which is used for a purpose  
26 that requires a school bus driver permit, medical transport

1 vehicle, or vehicle operated by a contract carrier is not in  
2 safe mechanical condition as provided in this Section, it  
3 shall not be operated on the highways until it has been  
4 repaired and submitted to a retest at an official testing  
5 station. If the owner or contract carrier submits the vehicle  
6 to a retest at a different official testing station from that  
7 where it failed to pass the first test, he or she shall present  
8 to the operator of the second station the report of the  
9 original test, and shall notify the Department in writing,  
10 giving the name and address of the original testing station  
11 and the defects which prevented the issuance of a Certificate  
12 of Safety, and the name and address of the second official  
13 testing station making the retest.

14 (Source: P.A. 100-160, eff. 1-1-18; 100-683, eff. 1-1-19.)

15 (625 ILCS 5/13-111) (from Ch. 95 1/2, par. 13-111)

16 Sec. 13-111. Operation without certificate of safety  
17 attached; Effective date of certificate.

18 (a) Except as provided for in Chapter 13, no person shall  
19 operate any vehicle required to be inspected by this Chapter  
20 upon the highways of this State unless there is affixed to that  
21 vehicle a certificate of safety then in effect. The Secretary  
22 of State, State Police, and other police officers shall  
23 enforce this Section. The Department shall determine the  
24 expiration date of the certificate of safety.

25 The certificates, all forms and records, reports of tests

1 and retests, and the full procedure and methods of making the  
2 tests and retests, shall be in the form prescribed by the  
3 Department.

4 (b) Every person convicted of violating this Section is  
5 guilty of a petty offense with a minimum fine of \$95 and a  
6 maximum fine of \$250; unless the violation is contemporaneous  
7 with a motor vehicle crash ~~accident~~, in which case the person  
8 is guilty of a Class C misdemeanor.

9 (Source: P.A. 98-489, eff. 1-1-14.)

10 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

11 Sec. 15-301. Permits for excess size and weight.

12 (a) The Department with respect to highways under its  
13 jurisdiction and local authorities with respect to highways  
14 under their jurisdiction may, in their discretion, upon  
15 application and good cause being shown therefor, issue a  
16 special permit authorizing the applicant to operate or move a  
17 vehicle or combination of vehicles of a size or weight of  
18 vehicle or load exceeding the maximum specified in this Code  
19 or otherwise not in conformity with this Code upon any highway  
20 under the jurisdiction of the party granting such permit and  
21 for the maintenance of which the party is responsible.  
22 Applications and permits other than those in written or  
23 printed form may only be accepted from and issued to the  
24 company or individual making the movement. Except for an  
25 application to move directly across a highway, it shall be the

1 duty of the applicant to establish in the application that the  
2 load to be moved by such vehicle or combination cannot  
3 reasonably be dismantled or disassembled, the reasonableness  
4 of which shall be determined by the Secretary of the  
5 Department. For the purpose of over length movements, more  
6 than one object may be carried side by side as long as the  
7 height, width, and weight laws are not exceeded and the cause  
8 for the over length is not due to multiple objects. For the  
9 purpose of over height movements, more than one object may be  
10 carried as long as the cause for the over height is not due to  
11 multiple objects and the length, width, and weight laws are  
12 not exceeded. For the purpose of an over width movement, more  
13 than one object may be carried as long as the cause for the  
14 over width is not due to multiple objects and length, height,  
15 and weight laws are not exceeded. Except for transporting  
16 fluid milk products, no State or local agency shall authorize  
17 the issuance of excess size or weight permits for vehicles and  
18 loads that are divisible and that can be carried, when  
19 divided, within the existing size or weight maximums specified  
20 in this Chapter. Any excess size or weight permit issued in  
21 violation of the provisions of this Section shall be void at  
22 issue and any movement made thereunder shall not be authorized  
23 under the terms of the void permit. In any prosecution for a  
24 violation of this Chapter when the authorization of an excess  
25 size or weight permit is at issue, it is the burden of the  
26 defendant to establish that the permit was valid because the

1 load to be moved could not reasonably be dismantled or  
2 disassembled, or was otherwise nondivisible.

3 (a-1) As used in this Section, "extreme heavy duty tow and  
4 recovery vehicle" means a tow truck manufactured as a unit  
5 having a lifting capacity of not less than 50 tons, and having  
6 either 4 axles and an unladen weight of not more than 80,000  
7 pounds or 5 axles and an unladen weight not more than 90,000  
8 pounds. Notwithstanding otherwise applicable gross and axle  
9 weight limits, an extreme heavy duty tow and recovery vehicle  
10 may lawfully travel to and from the scene of a disablement and  
11 clear a disabled vehicle if the towing service has obtained an  
12 extreme heavy duty tow and recovery permit for the vehicle.  
13 The form and content of the permit shall be determined by the  
14 Department with respect to highways under its jurisdiction and  
15 by local authorities with respect to highways under their  
16 jurisdiction.

17 (b) The application for any such permit shall: (1) state  
18 whether such permit is requested for a single trip or for  
19 limited continuous operation; (2) (blank); (3) specifically  
20 describe and identify the vehicle or vehicles and load to be  
21 operated or moved; (4) state the routing requested, including  
22 the points of origin and destination, and may identify and  
23 include a request for routing to the nearest certified scale  
24 in accordance with the Department's rules and regulations,  
25 provided the applicant has approval to travel on local roads;  
26 and (5) (blank).



1           (c) The Department or local authority when not  
2 inconsistent with traffic safety is authorized to issue or  
3 withhold such permit at its discretion; or, if such permit is  
4 issued at its discretion to prescribe the route or routes to be  
5 traveled, to limit the number of trips, to establish seasonal  
6 or other time limitations within which the vehicles described  
7 may be operated on the highways indicated, or otherwise to  
8 limit or prescribe conditions of operations of such vehicle or  
9 vehicles, when necessary to assure against undue damage to the  
10 road foundations, surfaces or structures, and may require such  
11 undertaking or other security as may be deemed necessary to  
12 compensate for any injury to any roadway or road structure.  
13 The Department shall maintain a daily record of each permit  
14 issued along with the fee and the stipulated dimensions,  
15 weights, conditions, and restrictions authorized and this  
16 record shall be presumed correct in any case of questions or  
17 dispute. The Department shall install an automatic device for  
18 recording telephone conversations involving permit  
19 applications. The Department and applicant waive all  
20 objections to the recording of the conversation.

21           (d) The Department shall, upon application in writing from  
22 any local authority, issue an annual permit authorizing the  
23 local authority to move oversize highway construction,  
24 transportation, utility, and maintenance equipment over roads  
25 under the jurisdiction of the Department. The permit shall be  
26 applicable only to equipment and vehicles owned by or

1 registered in the name of the local authority, and no fee shall  
2 be charged for the issuance of such permits.

3 (e) As an exception to subsection (a) of this Section, the  
4 Department and local authorities, with respect to highways  
5 under their respective jurisdictions, in their discretion and  
6 upon application in writing, may issue a special permit for  
7 limited continuous operation, authorizing the applicant to  
8 move loads of agricultural commodities on a 2-axle single  
9 vehicle registered by the Secretary of State with axle loads  
10 not to exceed 35%, on a 3-axle or 4-axle vehicle registered by  
11 the Secretary of State with axle loads not to exceed 20%, and  
12 on a 5-axle vehicle registered by the Secretary of State not to  
13 exceed 10% above those provided in Section 15-111. The total  
14 gross weight of the vehicle, however, may not exceed the  
15 maximum gross weight of the registration class of the vehicle  
16 allowed under Section 3-815 or 3-818 of this Code.

17 As used in this Section, "agricultural commodities" means:

18 (1) cultivated plants or agricultural produce grown,  
19 including, but not limited to, corn, soybeans, wheat,  
20 oats, grain sorghum, canola, and rice;

21 (2) livestock, including, but not limited to, hogs,  
22 equine, sheep, and poultry;

23 (3) ensilage; and

24 (4) fruits and vegetables.

25 Permits may be issued for a period not to exceed 40 days  
26 and moves may be made of a distance not to exceed 50 miles from

1 a field, an on-farm grain storage facility, a warehouse as  
2 defined in the Grain Code, or a livestock management facility  
3 as defined in the Livestock Management Facilities Act over any  
4 highway except the National System of Interstate and Defense  
5 Highways. The operator of the vehicle, however, must abide by  
6 posted bridge and posted highway weight limits. All implements  
7 of husbandry operating under this Section between sunset and  
8 sunrise shall be equipped as prescribed in Section 12-205.1.

9 (e-1) A special permit shall be issued by the Department  
10 under this Section and shall be required from September 1  
11 through December 31 for a vehicle that exceeds the maximum  
12 axle weight and gross weight limits under Section 15-111 of  
13 this Code or exceeds the vehicle's registered gross weight,  
14 provided that the vehicle's axle weight and gross weight do  
15 not exceed 10% above the maximum limits under Section 15-111  
16 of this Code and does not exceed the vehicle's registered  
17 gross weight by 10%. All other restrictions that apply to  
18 permits issued under this Section shall apply during the  
19 declared time period and no fee shall be charged for the  
20 issuance of those permits. Permits issued by the Department  
21 under this subsection (e-1) are only valid on federal and  
22 State highways under the jurisdiction of the Department,  
23 except interstate highways. With respect to highways under the  
24 jurisdiction of local authorities, the local authorities may,  
25 at their discretion, waive special permit requirements and set  
26 a divisible load weight limit not to exceed 10% above a

1 vehicle's registered gross weight, provided that the vehicle's  
2 axle weight and gross weight do not exceed 10% above the  
3 maximum limits specified in Section 15-111. Permits issued  
4 under this subsection (e-1) shall apply to all registered  
5 vehicles eligible to obtain permits under this Section,  
6 including vehicles used in private or for-hire movement of  
7 divisible load agricultural commodities during the declared  
8 time period.

9 (f) The form and content of the permit shall be determined  
10 by the Department with respect to highways under its  
11 jurisdiction and by local authorities with respect to highways  
12 under their jurisdiction. Every permit shall be in written  
13 form and carried in the vehicle or combination of vehicles to  
14 which it refers and shall be open to inspection by any police  
15 officer or authorized agent of any authority granting the  
16 permit and no person shall violate any of the terms or  
17 conditions of such special permit. Violation of the terms and  
18 conditions of the permit shall not be deemed a revocation of  
19 the permit; however, any vehicle and load found to be off the  
20 route prescribed in the permit shall be held to be operating  
21 without a permit. Any off-route vehicle and load shall be  
22 required to obtain a new permit or permits, as necessary, to  
23 authorize the movement back onto the original permit routing.  
24 No rule or regulation, nor anything herein, shall be construed  
25 to authorize any police officer, court, or authorized agent of  
26 any authority granting the permit to remove the permit from

1 the possession of the permittee unless the permittee is  
2 charged with a fraudulent permit violation as provided in  
3 subsection (i). However, upon arrest for an offense of  
4 violation of permit, operating without a permit when the  
5 vehicle is off route, or any size or weight offense under this  
6 Chapter when the permittee plans to raise the issuance of the  
7 permit as a defense, the permittee, or his agent, must produce  
8 the permit at any court hearing concerning the alleged  
9 offense.

10 If the permit designates and includes a routing to a  
11 certified scale, the permittee, while en route to the  
12 designated scale, shall be deemed in compliance with the  
13 weight provisions of the permit provided the axle or gross  
14 weights do not exceed any of the permitted limits by more than  
15 the following amounts:

16	Single axle	2000 pounds
17	Tandem axle	3000 pounds
18	Gross	5000 pounds

19 (g) The Department is authorized to adopt, amend, and make  
20 available to interested persons a policy concerning reasonable  
21 rules, limitations and conditions or provisions of operation  
22 upon highways under its jurisdiction in addition to those  
23 contained in this Section for the movement by special permit  
24 of vehicles, combinations, or loads which cannot reasonably be  
25 dismantled or disassembled, including manufactured and modular  
26 home sections and portions thereof. All rules, limitations and

1 conditions or provisions adopted in the policy shall have due  
2 regard for the safety of the traveling public and the  
3 protection of the highway system and shall have been  
4 promulgated in conformity with the provisions of the Illinois  
5 Administrative Procedure Act. The requirements of the policy  
6 for flagmen and escort vehicles shall be the same for all moves  
7 of comparable size and weight. When escort vehicles are  
8 required, they shall meet the following requirements:

9 (1) All operators shall be 18 years of age or over and  
10 properly licensed to operate the vehicle.

11 (2) Vehicles escorting oversized loads more than 12  
12 feet wide must be equipped with a rotating or flashing  
13 amber light mounted on top as specified under Section  
14 12-215.

15 The Department shall establish reasonable rules and  
16 regulations regarding liability insurance or self insurance  
17 for vehicles with oversized loads promulgated under the  
18 Illinois Administrative Procedure Act. Police vehicles may be  
19 required for escort under circumstances as required by rules  
20 and regulations of the Department.

21 (h) Violation of any rule, limitation or condition or  
22 provision of any permit issued in accordance with the  
23 provisions of this Section shall not render the entire permit  
24 null and void but the violator shall be deemed guilty of  
25 violation of permit and guilty of exceeding any size, weight,  
26 or load limitations in excess of those authorized by the

1 permit. The prescribed route or routes on the permit are not  
2 mere rules, limitations, conditions, or provisions of the  
3 permit, but are also the sole extent of the authorization  
4 granted by the permit. If a vehicle and load are found to be  
5 off the route or routes prescribed by any permit authorizing  
6 movement, the vehicle and load are operating without a permit.  
7 Any off-route movement shall be subject to the size and weight  
8 maximums, under the applicable provisions of this Chapter, as  
9 determined by the type or class highway upon which the vehicle  
10 and load are being operated.

11 (i) Whenever any vehicle is operated or movement made  
12 under a fraudulent permit, the permit shall be void, and the  
13 person, firm, or corporation to whom such permit was granted,  
14 the driver of such vehicle in addition to the person who issued  
15 such permit and any accessory, shall be guilty of fraud and  
16 either one or all persons may be prosecuted for such  
17 violation. Any person, firm, or corporation committing such  
18 violation shall be guilty of a Class 4 felony and the  
19 Department shall not issue permits to the person, firm, or  
20 corporation convicted of such violation for a period of one  
21 year after the date of conviction. Penalties for violations of  
22 this Section shall be in addition to any penalties imposed for  
23 violation of other Sections of this Code.

24 (j) Whenever any vehicle is operated or movement made in  
25 violation of a permit issued in accordance with this Section,  
26 the person to whom such permit was granted, or the driver of

1 such vehicle, is guilty of such violation and either, but not  
2 both, persons may be prosecuted for such violation as stated  
3 in this subsection (j). Any person, firm, or corporation  
4 convicted of such violation shall be guilty of a petty offense  
5 and shall be fined, for the first offense, not less than \$50  
6 nor more than \$200 and, for the second offense by the same  
7 person, firm, or corporation within a period of one year, not  
8 less than \$200 nor more than \$300 and, for the third offense by  
9 the same person, firm, or corporation within a period of one  
10 year after the date of the first offense, not less than \$300  
11 nor more than \$500 and the Department may, in its discretion,  
12 not issue permits to the person, firm, or corporation  
13 convicted of a third offense during a period of one year after  
14 the date of conviction or supervision for such third offense.  
15 If any violation is the cause or contributing cause in a motor  
16 vehicle crash ~~accident~~ causing damage to property, injury, or  
17 death to a person, the Department may, in its discretion, not  
18 issue a permit to the person, firm, or corporation for a period  
19 of one year after the date of conviction or supervision for the  
20 offense.

21 (k) Whenever any vehicle is operated on local roads under  
22 permits for excess width or length issued by local  
23 authorities, such vehicle may be moved upon a State highway  
24 for a distance not to exceed one-half mile without a permit for  
25 the purpose of crossing the State highway.

26 (l) Notwithstanding any other provision of this Section,



1 the Department, with respect to highways under its  
2 jurisdiction, and local authorities, with respect to highways  
3 under their jurisdiction, may at their discretion authorize  
4 the movement of a vehicle in violation of any size or weight  
5 requirement, or both, that would not ordinarily be eligible  
6 for a permit, when there is a showing of extreme necessity that  
7 the vehicle and load should be moved without unnecessary  
8 delay.

9 For the purpose of this subsection, showing of extreme  
10 necessity shall be limited to the following: shipments of  
11 livestock, hazardous materials, liquid concrete being hauled  
12 in a mobile cement mixer, or hot asphalt.

13 (m) Penalties for violations of this Section shall be in  
14 addition to any penalties imposed for violating any other  
15 Section of this Code.

16 (n) The Department with respect to highways under its  
17 jurisdiction and local authorities with respect to highways  
18 under their jurisdiction, in their discretion and upon  
19 application in writing, may issue a special permit for  
20 continuous limited operation, authorizing the applicant to  
21 operate a tow truck that exceeds the weight limits provided  
22 for in subsection (a) of Section 15-111, provided:

23 (1) no rear single axle of the tow truck exceeds  
24 26,000 pounds;

25 (2) no rear tandem axle of the tow truck exceeds  
26 50,000 pounds;

1           (2.1) no triple rear axle on a manufactured recovery  
2 unit exceeds 60,000 pounds;

3           (3) neither the disabled vehicle nor the disabled  
4 combination of vehicles exceed the weight restrictions  
5 imposed by this Chapter 15, or the weight limits imposed  
6 under a permit issued by the Department prior to hookup;

7           (4) the tow truck prior to hookup does not exceed the  
8 weight restrictions imposed by this Chapter 15;

9           (5) during the tow operation the tow truck does not  
10 violate any weight restriction sign;

11           (6) the tow truck is equipped with flashing, rotating,  
12 or oscillating amber lights, visible for at least 500 feet  
13 in all directions;

14           (7) the tow truck is specifically designed and  
15 licensed as a tow truck;

16           (8) the tow truck has a gross vehicle weight rating of  
17 sufficient capacity to safely handle the load;

18           (9) the tow truck is equipped with air brakes;

19           (10) the tow truck is capable of utilizing the  
20 lighting and braking systems of the disabled vehicle or  
21 combination of vehicles;

22           (11) the tow commences at the initial point of wreck  
23 or disablement and terminates at a point where the repairs  
24 are actually to occur;

25           (12) the permit issued to the tow truck is carried in  
26 the tow truck and exhibited on demand by a police officer;

1 and

2 (13) the movement shall be valid only on State routes  
3 approved by the Department.

4 (o) (Blank).

5 (p) In determining whether a load may be reasonably  
6 dismantled or disassembled for the purpose of subsection (a),  
7 the Department shall consider whether there is a significant  
8 negative impact on the condition of the pavement and  
9 structures along the proposed route, whether the load or  
10 vehicle as proposed causes a safety hazard to the traveling  
11 public, whether dismantling or disassembling the load promotes  
12 or stifles economic development, and whether the proposed  
13 route travels less than 5 miles. A load is not required to be  
14 dismantled or disassembled for the purposes of subsection (a)  
15 if the Secretary of the Department determines there will be no  
16 significant negative impact to pavement or structures along  
17 the proposed route, the proposed load or vehicle causes no  
18 safety hazard to the traveling public, dismantling or  
19 disassembling the load does not promote economic development,  
20 and the proposed route travels less than 5 miles. The  
21 Department may promulgate rules for the purpose of  
22 establishing the divisibility of a load pursuant to subsection  
23 (a). Any load determined by the Secretary to be nondivisible  
24 shall otherwise comply with the existing size or weight  
25 maximums specified in this Chapter.

26 (Source: P.A. 101-81, eff. 7-12-19; 101-547, eff. 1-1-20;

1 102-124, eff. 7-23-21.)

2 (625 ILCS 5/16-108)

3 Sec. 16-108. Claims of diplomatic immunity.

4 (a) This Section applies only to an individual that  
5 displays to a police officer a driver's license issued by the  
6 U.S. Department of State or that otherwise claims immunities  
7 or privileges under Title 22, Chapter 6 of the United States  
8 Code with respect to the individual's violation of Section 9-3  
9 or Section 9-3.2 of the Criminal Code of 2012 or his or her  
10 violation of a traffic regulation governing the movement of  
11 vehicles under this Code or a similar provision of a local  
12 ordinance.

13 (b) If a driver subject to this Section is stopped by a  
14 police officer that has probable cause to believe that the  
15 driver has committed a violation described in subsection (a)  
16 of this Section, the police officer shall:

17 (1) as soon as practicable contact the U.S. Department  
18 of State office in order to verify the driver's status and  
19 immunity, if any;

20 (2) record all relevant information from any driver's  
21 license or identification card, including a driver's  
22 license or identification card issued by the U.S.  
23 Department of State; and

24 (3) within 5 workdays after the date of the stop,  
25 forward the following to the Secretary of State of

1 Illinois:

2 (A) a vehicle crash ~~accident~~ report, if the driver  
3 was involved in a vehicle crash ~~accident~~;

4 (B) if a citation or charge was issued to the  
5 driver, a copy of the citation or charge; and

6 (C) if a citation or charge was not issued to the  
7 driver, a written report of the incident.

8 (c) Upon receiving material submitted under paragraph (3)  
9 of subsection (b) of this Section, the Secretary of State  
10 shall:

11 (1) file each vehicle crash ~~accident~~ report, citation  
12 or charge, and incident report received;

13 (2) keep convenient records or make suitable notations  
14 showing each:

15 (A) conviction;

16 (B) disposition of court supervision for any  
17 violation of Section 11-501 of this Code; and

18 (C) vehicle crash ~~accident~~; and

19 (3) send a copy of each document and record described  
20 in paragraph (2) of this subsection (c) to the Bureau of  
21 Diplomatic Security, Office of Foreign Missions, of the  
22 U.S. Department of State.

23 (d) This Section does not prohibit or limit the  
24 application of any law to a criminal or motor vehicle  
25 violation by an individual who has or claims immunities or  
26 privileges under Title 22, Chapter 6 of the United States

1 Code.

2 (Source: P.A. 97-1150, eff. 1-25-13.)

3 (625 ILCS 5/18a-301) (from Ch. 95 1/2, par. 18a-301)

4 Sec. 18a-301. Commercial vehicle relocators - Security  
5 requirements. Every commercial vehicle relocator shall file  
6 with the Commission and have in effect an indemnity bond or  
7 insurance policy or certificates of bonds or insurance in lieu  
8 thereof which shall indemnify or insure the relocator for its  
9 liability: (1) for injury to person, in an amount not less than  
10 \$100,000 to any one person and \$300,000 for any one crash  
11 ~~accident~~; (2) in case of damage to property other than a  
12 vehicle being removed, in an amount not less than \$50,000 for  
13 any one crash ~~accident~~; and (3) in case of damage to any  
14 vehicle relocated or stored by the relocator, in an amount not  
15 less than \$15,000 per vehicle. Any such bond or policy shall be  
16 issued by a bonding or insurance firm authorized to do  
17 business as such in the State of Illinois. All certificates or  
18 indemnity bonds or insurance filed with the Commission must  
19 show the coverage effective continuously until cancelled, and  
20 the Commission may require such evidence of continued validity  
21 as it deems necessary.

22 (Source: P.A. 85-1396.)

23 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

24 Sec. 18b-105. Rules and Regulations.

1 (a) The Department is authorized to make and adopt  
2 reasonable rules and regulations and orders consistent with  
3 law necessary to carry out the provisions of this Chapter.

4 (b) The following parts of Title 49 of the Code of Federal  
5 Regulations, as now in effect, are hereby adopted by reference  
6 as though they were set out in full:

7 Part 40 - Procedures For Transportation Workplace Drug and  
8 Alcohol Testing Programs;

9 Part 380 - Special Training Requirements;

10 Part 382 - Controlled Substances and Alcohol Use and  
11 Testing;

12 Part 383 - Commercial Driver's License Standards,  
13 Requirements, and Penalties;

14 Part 385 - Safety Fitness Procedures;

15 Part 386 Appendix B - Penalty Schedule; Violations and  
16 Maximum Monetary Penalties;

17 Part 387 - Minimum Levels of Financial Responsibility for  
18 Motor Carriers;

19 Part 390 - Federal Motor Carrier Safety Regulations:  
20 General;

21 Part 391 - Qualifications of Drivers;

22 Part 392 - Driving of Motor Vehicles;

23 Part 393 - Parts and Accessories Necessary for Safe  
24 Operation;

25 Part 395 - Hours of Service of Drivers, except as provided  
26 in Section 18b-106.1;

1 Part 396 - Inspection, Repair and Maintenance; and  
2 Part 397 - Transportation of hazardous materials; Driving  
3 and Parking Rules.

4 (b-5) Individuals who meet the requirements set forth in  
5 the definition of "medical examiner" in Section 390.5 of Part  
6 390 of Title 49 of the Code of Federal Regulations may act as  
7 medical examiners in accordance with Part 391 of Title 49 of  
8 the Code of Federal Regulations.

9 (c) The following parts and Sections of the Federal Motor  
10 Carrier Safety Regulations shall not apply to those intrastate  
11 carriers, drivers or vehicles subject to subsection (b).

12 (1) Section 393.93 of Part 393 for those vehicles  
13 manufactured before June 30, 1972.

14 (2) Section 393.86 of Part 393 for those vehicles  
15 registered as farm trucks under subsection (c) of Section  
16 3-815 of this Code.

17 (3) (Blank).

18 (4) (Blank).

19 (5) Paragraph (b) (1) of Section 391.11 of Part 391.

20 (6) All of Part 395 for all agricultural operations as  
21 defined in Section 18b-101 of this Chapter at any time of  
22 the year and all farm to market agricultural  
23 transportation as defined in Chapter 1 and for grain  
24 hauling operations within a radius of 200 air miles of the  
25 normal work reporting location.

26 (7) Paragraphs (b) (3) (insulin dependent diabetic) and



1 (b) (10) (minimum visual acuity) of Section 391.41 of part  
2 391, but only for any driver who immediately prior to July  
3 29, 1986 was eligible and licensed to operate a motor  
4 vehicle subject to this Section and was engaged in  
5 operating such vehicles, and who was disqualified on July  
6 29, 1986 by the adoption of Part 391 by reason of the  
7 application of paragraphs (b) (3) and (b) (10) of Section  
8 391.41 with respect to a physical condition existing at  
9 that time unless such driver has a record of crashes  
10 ~~accidents~~ which would indicate a lack of ability to  
11 operate a motor vehicle in a safe manner.

12 (d) Intrastate carriers subject to the recording  
13 provisions of Section 395.8 of Part 395 of the Federal Motor  
14 Carrier Safety Regulations shall be exempt as established  
15 under paragraph (1) of Section 395.8; provided, however, for  
16 the purpose of this Code, drivers shall operate within a 150  
17 air-mile radius of the normal work reporting location to  
18 qualify for exempt status.

19 (e) Regulations adopted by the Department subsequent to  
20 those adopted under subsection (b) hereof shall be identical  
21 in substance to the Federal Motor Carrier Safety Regulations  
22 of the United States Department of Transportation and adopted  
23 in accordance with the procedures for rulemaking in Section  
24 5-35 of the Illinois Administrative Procedure Act.

25 (Source: P.A. eff. 1-1-02; eff. 1-1-02; 94-519, eff. 8-10-05;  
26 94-739, eff. 5-5-06.)

1 (625 ILCS 5/18b-108) (from Ch. 95 1/2, par. 18b-108)

2 Sec. 18b-108. Violations; criminal penalties.

3 (a) The provisions of Chapter 16 shall be applicable to  
4 acts committed by a driver of a motor vehicle that violate this  
5 Chapter or any rule or regulation issued under this Chapter.

6 (b) Except as provided in subsection (d), any driver who  
7 willfully violates any provision of this Chapter or any rule  
8 or regulation issued under this Chapter is guilty of a Class 4  
9 felony. In addition to any other penalties prescribed by law,  
10 the maximum fine for each offense is \$10,000. Such violation  
11 shall be prosecuted by the State's Attorney or the Attorney  
12 General.

13 (c) Except as provided in subsection (d), any person,  
14 other than a driver, who willfully violates or causes another  
15 to violate any provision of this Chapter or any rule or  
16 regulation issued under this Chapter is guilty of a Class 3  
17 felony. In addition to any other penalties prescribed by law,  
18 the maximum fine for each offense is \$25,000. Such violation  
19 shall be prosecuted at the request of the Department by the  
20 State's Attorney or the Attorney General.

21 (d) Any driver who willfully violates Parts 392, 395,  
22 Sections 391.11, 391.15, 391.41, or 391.45 of Part 391, or any  
23 other Part of Title 49 of the Code of Federal Regulations, as  
24 adopted by reference in Section 18b-105 of this Code, which  
25 would place the driver or vehicle out of service, when the

1 violation results in a motor vehicle crash ~~accident~~ that  
2 causes great bodily harm, permanent disability or  
3 disfigurement, or death to another person, is guilty of a  
4 Class 3 felony. Any person other than the driver who willfully  
5 violates Parts 392, 395, Sections 391.11, 391.15, 391.41, or  
6 391.45 of Part 391 or any other Part of Title 49 of the Code of  
7 Federal Regulations, as adopted by reference in Section  
8 18b-105 of this Code, which would place the driver or vehicle  
9 out of service, when the violation results in a motor vehicle  
10 crash ~~accident~~ that causes great bodily harm, permanent  
11 disability or disfigurement, or death to another person, is  
12 guilty of a Class 2 felony.

13 (Source: P.A. 99-291, eff. 1-1-16.)

14 (625 ILCS 5/18c-6502) (from Ch. 95 1/2, par. 18c-6502)  
15 Sec. 18c-6502. Report and Investigation of Crashes  
16 ~~Accidents~~. (1) Reports. Every motor carrier of passengers  
17 shall report to the Commission, by the speediest means  
18 possible, whether telephone, telegraph, or otherwise, every  
19 crash ~~accident~~ involving its equipment which resulted in loss  
20 of life to any person. In addition to reports required to be  
21 filed with the Department of Transportation, under Article IV  
22 of Chapter 11 and Chapter 7 of this Code, such carrier shall  
23 file a written report with the Commission, in accordance with  
24 regulations adopted hereunder, of any crash ~~accident~~ which  
25 results in injury or loss of life to any employee, or damage to

1 the person or property of any member of the public. The  
2 Commission and the Department of Transportation may adopt, by  
3 reference, such state or federal reporting requirements as  
4 will effectuate the purposes of this Section and promote  
5 uniformity in bus crash ~~accident~~ reporting.

6 (2) Investigations. The Commission and the Department of  
7 Transportation may investigate any bus crash ~~accident~~ reported  
8 to it or of which it acquires knowledge independent of reports  
9 made by motor carriers of passengers, and shall have the power  
10 to enter such orders and adopt such regulations as will  
11 minimize the risk of future crashes ~~accidents~~.

12 (Source: P.A. 84-1246.)

13 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

14 Sec. 18c-7402. Safety requirements for railroad  
15 operations.

16 (1) Obstruction of crossings.

17 (a) Obstruction of emergency vehicles. Every railroad  
18 shall be operated in such a manner as to minimize  
19 obstruction of emergency vehicles at crossings. Where such  
20 obstruction occurs and the train crew is aware of the  
21 obstruction, the train crew shall immediately take any  
22 action, consistent with safe operating procedure,  
23 necessary to remove the obstruction. In the Chicago and  
24 St. Louis switching districts, every railroad dispatcher  
25 or other person responsible for the movement of railroad

1 equipment in a specific area who receives notification  
2 that railroad equipment is obstructing the movement of an  
3 emergency vehicle at any crossing within such area shall  
4 immediately notify the train crew through use of existing  
5 communication facilities. Upon notification, the train  
6 crew shall take immediate action in accordance with this  
7 paragraph.

8 (b) Obstruction of highway at grade crossing  
9 prohibited. It is unlawful for a rail carrier to permit  
10 any train, railroad car or engine to obstruct public  
11 travel at a railroad-highway grade crossing for a period  
12 in excess of 10 minutes, except where such train or  
13 railroad car is continuously moving or cannot be moved by  
14 reason of circumstances over which the rail carrier has no  
15 reasonable control.

16 In a county with a population of greater than  
17 1,000,000, as determined by the most recent federal  
18 census, during the hours of 7:00 a.m. through 9:00 a.m.  
19 and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail  
20 carrier to permit any single train or railroad car to  
21 obstruct public travel at a railroad-highway grade  
22 crossing in excess of a total of 10 minutes during a 30  
23 minute period, except where the train or railroad car  
24 cannot be moved by reason or circumstances over which the  
25 rail carrier has no reasonable control. Under no  
26 circumstances will a moving train be stopped for the

1 purposes of issuing a citation related to this Section.

2 However, no employee acting under the rules or orders  
3 of the rail carrier or its supervisory personnel may be  
4 prosecuted for a violation of this subsection (b).

5 (c) Punishment for obstruction of grade crossing. Any  
6 rail carrier violating paragraph (b) of this subsection  
7 shall be guilty of a petty offense and fined not less than  
8 \$200 nor more than \$500 if the duration of the obstruction  
9 is in excess of 10 minutes but no longer than 15 minutes.  
10 If the duration of the obstruction exceeds 15 minutes the  
11 violation shall be a business offense and the following  
12 fines shall be imposed: if the duration of the obstruction  
13 is in excess of 15 minutes but no longer than 20 minutes,  
14 the fine shall be \$500; if the duration of the obstruction  
15 is in excess of 20 minutes but no longer than 25 minutes,  
16 the fine shall be \$700; if the duration of the obstruction  
17 is in excess of 25 minutes, but no longer than 30 minutes,  
18 the fine shall be \$900; if the duration of the obstruction  
19 is in excess of 30 minutes but no longer than 35 minutes,  
20 the fine shall be \$1,000; if the duration of the  
21 obstruction is in excess of 35 minutes, the fine shall be  
22 \$1,000 plus an additional \$500 for each 5 minutes of  
23 obstruction in excess of 25 minutes of obstruction.

24 (2) Other operational requirements.

25 (a) Bell and whistle-crossings. Every rail carrier  
26 shall cause a bell, and a whistle or horn to be placed and

1 kept on each locomotive, and shall cause the same to be  
2 rung or sounded by the engineer or fireman, at the  
3 distance of at least 1,320 feet, from the place where the  
4 railroad crosses or intersects any public highway, and  
5 shall be kept ringing or sounding until the highway is  
6 reached; provided that at crossings where the Commission  
7 shall by order direct, only after a hearing has been held  
8 to determine the public is reasonably and sufficiently  
9 protected, the rail carrier may be excused from giving  
10 warning provided by this paragraph.

11 (a-5) The requirements of paragraph (a) of this  
12 subsection (2) regarding ringing a bell and sounding a  
13 whistle or horn do not apply at a railroad crossing that  
14 has a permanently installed automated audible warning  
15 device authorized by the Commission under Section  
16 18c-7402.1 that sounds automatically when an approaching  
17 train is at least 1,320 feet from the crossing and that  
18 keeps sounding until the lead locomotive has crossed the  
19 highway. The engineer or fireman may ring the bell or  
20 sound the whistle or horn at a railroad crossing that has a  
21 permanently installed audible warning device.

22 (b) Speed limits. Each rail carrier shall operate its  
23 trains in compliance with speed limits set by the  
24 Commission. The Commission may set train speed limits only  
25 where such limits are necessitated by extraordinary  
26 circumstances affecting the public safety, and shall

1 maintain such train speed limits in effect only for such  
2 time as the extraordinary circumstances prevail.

3 The Commission and the Department of Transportation  
4 shall conduct a study of the relation between train speeds  
5 and railroad-highway grade crossing safety. The Commission  
6 shall report the findings of the study to the General  
7 Assembly no later than January 5, 1997.

8 (c) Special speed limit; pilot project. The Commission  
9 and the Board of the Commuter Rail Division of the  
10 Regional Transportation Authority shall conduct a pilot  
11 project in the Village of Fox River Grove, the site of the  
12 fatal school bus crash ~~accident~~ at a railroad crossing on  
13 October 25, 1995, in order to improve railroad crossing  
14 safety. For this project, the Commission is directed to  
15 set the maximum train speed limit for Regional  
16 Transportation Authority trains at 50 miles per hour at  
17 intersections on that portion of the intrastate rail line  
18 located in the Village of Fox River Grove. If the Regional  
19 Transportation Authority deliberately fails to comply with  
20 this maximum speed limit, then any entity, governmental or  
21 otherwise, that provides capital or operational funds to  
22 the Regional Transportation Authority shall appropriately  
23 reduce or eliminate that funding. The Commission shall  
24 report to the Governor and the General Assembly on the  
25 results of this pilot project in January 1999, January  
26 2000, and January 2001. The Commission shall also submit a



1 final report on the pilot project to the Governor and the  
2 General Assembly in January 2001. The provisions of this  
3 subsection (c), other than this sentence, are inoperative  
4 after February 1, 2001.

5 (d) Freight train crew size. No rail carrier shall  
6 operate or cause to operate a train or light engine used in  
7 connection with the movement of freight unless it has an  
8 operating crew consisting of at least 2 individuals. The  
9 minimum freight train crew size indicated in this  
10 subsection (d) shall remain in effect until a federal law  
11 or rule encompassing the subject matter has been adopted.  
12 The Commission, with respect to freight train crew member  
13 size under this subsection (d), has the power to conduct  
14 evidentiary hearings, make findings, and issue and enforce  
15 orders, including sanctions under Section 18c-1704 of this  
16 Chapter. As used in this subsection (d), "train or light  
17 engine" does not include trains operated by a hostler  
18 service or utility employees.

19 (3) Report and investigation of rail accidents.

20 (a) Reports. Every rail carrier shall report to the  
21 Commission, by the speediest means possible, whether  
22 telephone, telegraph, or otherwise, every accident  
23 involving its equipment, track, or other property which  
24 resulted in loss of life to any person. In addition, such  
25 carriers shall file a written report with the Commission.  
26 Reports submitted under this paragraph shall be strictly

1 confidential, shall be specifically prohibited from  
2 disclosure, and shall not be admissible in any  
3 administrative or judicial proceeding relating to the  
4 accidents reported.

5 (b) Investigations. The Commission may investigate all  
6 railroad accidents reported to it or of which it acquires  
7 knowledge independent of reports made by rail carriers,  
8 and shall have the power, consistent with standards and  
9 procedures established under the Federal Railroad Safety  
10 Act, as amended, to enter such temporary orders as will  
11 minimize the risk of future accidents pending notice,  
12 hearing, and final action by the Commission.

13 (Source: P.A. 100-201, eff. 8-18-17; 101-294, eff. 1-1-20.)

14 (625 ILCS 5/20-202) (from Ch. 95 1/2, par. 20-202)

15 Sec. 20-202. Act not retroactive. This Act shall not have  
16 a retroactive effect and shall not apply to any traffic crash  
17 ~~accident~~, to a cause of action arising out of a traffic crash  
18 ~~accident~~ or judgment arising therefrom, or to any violation of  
19 the laws of this State, occurring prior to the effective date  
20 of this Act.

21 (Source: P.A. 76-1586.)

22 (625 ILCS 5/20-205 new)

23 Sec. 20-205. Use of current documents. A State agency may  
24 exhaust any copies of a form or document using "accident", in

1 relation to automobile accidents, motor vehicle accidents, and  
2 traffic accidents before printing copies of a new version of  
3 the form or document that uses "crash" pursuant to the changes  
4 made by this amendatory Act of the 102nd General Assembly.

5 Section 110. The Child Passenger Protection Act is amended  
6 by changing Section 2 as follows:

7 (625 ILCS 25/2) (from Ch. 95 1/2, par. 1102)

8 Sec. 2. Legislative Finding - Purpose. The General  
9 Assembly finds that a substantial number of passengers under  
10 the age of 8 years riding in motor vehicles, which are most  
11 frequently operated by a parent, annually die or sustain  
12 serious physical injury as a direct result of not being placed  
13 in an appropriate child passenger restraint system. Motor  
14 vehicle crashes are the leading cause of death for children of  
15 every age from 4 to 14 years old. The General Assembly further  
16 finds that the safety of the motoring public is seriously  
17 threatened as indicated by the significant number of traffic  
18 crashes ~~accidents~~ annually caused, directly or indirectly, by  
19 driver distraction or other impairment of driving ability  
20 induced by the movement or actions of unrestrained passengers  
21 under the age of 8 years.

22 It is the purpose of this Act to further protect the  
23 health, safety and welfare of motor vehicle passengers under  
24 the age of 8 years and the motoring public through the proper

1 utilization of approved child restraint systems.

2 (Source: P.A. 93-100, eff. 1-1-04.)

3 Section 115. The Renter's Financial Responsibility and  
4 Protection Act is amended by changing Section 5 as follows:

5 (625 ILCS 27/5)

6 Sec. 5. Legislative findings. The General Assembly finds  
7 and declares the following:

8 (a) Amendments enacted in 1988 which limit negligent  
9 drivers' liability for damage to vehicles rented from motor  
10 vehicle rental companies to \$200 have had the unintended,  
11 anti-consumer effect of unfairly transferring most of the  
12 costs of liability for renters' negligence to car rental  
13 companies.

14 (b) This transfer of liability from negligent renters has  
15 forced Illinois rental companies and dealers to experience  
16 significant financial losses in the form of actual costs to  
17 repair, service, and replace vehicles and loss of economic  
18 opportunity by being deprived of the rental use of damaged or  
19 destroyed rental cars; as a result, many Illinois vehicle  
20 rental companies in Illinois have been forced to close because  
21 of the current amendments, and high risk to capital threatens  
22 to close existing companies; economic losses have also  
23 resulted in Illinois renters paying daily and weekly vehicle  
24 rental rates almost two-fold higher than renters in other

1 states, including those states surrounding Illinois.

2 (c) As the vast majority of renters in Illinois are  
3 non-Illinois residents, the increased damage costs of rental  
4 car companies and dealers are absorbed and paid by all  
5 Illinois consumers and business.

6 (d) The current law also threatens the public safety of  
7 all Illinois citizens as it has contributed to an almost  
8 three-fold increase in driver crash ~~accident~~ and fatality  
9 rates in Illinois.

10 (Source: P.A. 90-113, eff. 7-14-97.)

11 Section 120. The Transportation Network Providers Act is  
12 amended by changing Section 10 as follows:

13 (625 ILCS 57/10)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 10. Insurance.

16 (a) Transportation network companies and participating TNC  
17 drivers shall comply with the automobile liability insurance  
18 requirements of this Section as required.

19 (b) The following automobile liability insurance  
20 requirements shall apply from the moment a participating TNC  
21 driver logs on to the transportation network company's digital  
22 network or software application until the TNC driver accepts a  
23 request to transport a passenger, and from the moment the TNC  
24 driver completes the transaction on the digital network or

1 software application or the ride is complete, whichever is  
2 later, until the TNC driver either accepts another ride  
3 request on the digital network or software application or logs  
4 off the digital network or software application:

5 (1) Automobile liability insurance shall be in the  
6 amount of at least \$50,000 for death and personal injury  
7 per person, \$100,000 for death and personal injury per  
8 incident, and \$25,000 for property damage.

9 (2) Contingent automobile liability insurance in the  
10 amounts required in paragraph (1) of this subsection (b)  
11 shall be maintained by a transportation network company  
12 and provide coverage in the event a participating TNC  
13 driver's own automobile liability policy excludes coverage  
14 according to its policy terms or does not provide at least  
15 the limits of coverage required in paragraph (1) of this  
16 subsection (b).

17 (c) The following automobile liability insurance  
18 requirements shall apply from the moment a TNC driver accepts  
19 a ride request on the transportation network company's digital  
20 network or software application until the TNC driver completes  
21 the transaction on the digital network or software application  
22 or until the ride is complete, whichever is later:

23 (1) Automobile liability insurance shall be primary  
24 and in the amount of \$1,000,000 for death, personal  
25 injury, and property damage. The requirements for the  
26 coverage required by this paragraph (1) may be satisfied

1 by any of the following:

2 (A) automobile liability insurance maintained by a  
3 participating TNC driver;

4 (B) automobile liability company insurance  
5 maintained by a transportation network company; or

6 (C) any combination of subparagraphs (A) and (B).

7 (2) Insurance coverage provided under this subsection  
8 (c) shall also provide for uninsured motorist coverage and  
9 underinsured motorist coverage in the amount of \$50,000  
10 from the moment a passenger enters the vehicle of a  
11 participating TNC driver until the passenger exits the  
12 vehicle.

13 (3) The insurer, in the case of insurance coverage  
14 provided under this subsection (c), shall have the duty to  
15 defend and indemnify the insured.

16 (4) Coverage under an automobile liability insurance  
17 policy required under this subsection (c) shall not be  
18 dependent on a personal automobile insurance policy first  
19 denying a claim nor shall a personal automobile insurance  
20 policy be required to first deny a claim.

21 (d) In every instance when automobile liability insurance  
22 maintained by a participating TNC driver to fulfill the  
23 insurance obligations of this Section has lapsed or ceased to  
24 exist, the transportation network company shall provide the  
25 coverage required by this Section beginning with the first  
26 dollar of a claim.

1           (e) This Section shall not limit the liability of a  
2 transportation network company arising out of an automobile  
3 crash ~~accident~~ involving a participating TNC driver in any  
4 action for damages against a transportation network company  
5 for an amount above the required insurance coverage.

6           (f) The transportation network company shall disclose in  
7 writing to TNC drivers, as part of its agreement with those TNC  
8 drivers, the following:

9           (1) the insurance coverage and limits of liability  
10 that the transportation network company provides while the  
11 TNC driver uses a vehicle in connection with a  
12 transportation network company's digital network or  
13 software application; and

14           (2) that the TNC driver's own insurance policy may not  
15 provide coverage while the TNC driver uses a vehicle in  
16 connection with a transportation network company digital  
17 network depending on its terms.

18           (g) An insurance policy required by this Section may be  
19 placed with an admitted Illinois insurer, or with an  
20 authorized surplus line insurer under Section 445 of the  
21 Illinois Insurance Code; and is not subject to any restriction  
22 or limitation on the issuance of a policy contained in Section  
23 445a of the Illinois Insurance Code.

24           (h) Any insurance policy required by this Section shall  
25 satisfy the financial responsibility requirement for a motor  
26 vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle



1 Code.

2 (i) If a transportation network company's insurer makes a  
3 payment for a claim covered under comprehensive coverage or  
4 collision coverage, the transportation network company shall  
5 cause its insurer to issue the payment directly to the  
6 business repairing the vehicle, or jointly to the owner of the  
7 vehicle and the primary lienholder on the covered vehicle.

8 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

9 Section 125. The Criminal Code of 2012 is amended by  
10 changing Sections 3-5, 12C-60, and 36-1 as follows:

11 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

12 Sec. 3-5. General limitations.

13 (a) A prosecution for: (1) first degree murder, attempt to  
14 commit first degree murder, second degree murder, involuntary  
15 manslaughter, reckless homicide, a violation of subparagraph  
16 (F) of paragraph (1) of subsection (d) of Section 11-501 of the  
17 Illinois Vehicle Code for the offense of aggravated driving  
18 under the influence of alcohol, other drug or drugs, or  
19 intoxicating compound or compounds, or any combination thereof  
20 when the violation was a proximate cause of a death, leaving  
21 the scene of a motor vehicle crash ~~accident~~ involving death or  
22 personal injuries under Section 11-401 of the Illinois Vehicle  
23 Code, failing to give information and render aid under Section  
24 11-403 of the Illinois Vehicle Code, concealment of homicidal

1 death, treason, arson, residential arson, aggravated arson,  
2 forgery, child pornography under paragraph (1) of subsection  
3 (a) of Section 11-20.1, or aggravated child pornography under  
4 paragraph (1) of subsection (a) of Section 11-20.1B, or (2)  
5 any offense involving sexual conduct or sexual penetration, as  
6 defined by Section 11-0.1 of this Code may be commenced at any  
7 time.

8 (a-5) A prosecution for theft of property exceeding  
9 \$100,000 in value under Section 16-1, identity theft under  
10 subsection (a) of Section 16-30, aggravated identity theft  
11 under subsection (b) of Section 16-30, financial exploitation  
12 of an elderly person or a person with a disability under  
13 Section 17-56; theft by deception of a victim 60 years of age  
14 or older or a person with a disability under Section 16-1; or  
15 any offense set forth in Article 16H or Section 17-10.6 may be  
16 commenced within 7 years of the last act committed in  
17 furtherance of the crime.

18 (b) Unless the statute describing the offense provides  
19 otherwise, or the period of limitation is extended by Section  
20 3-6, a prosecution for any offense not designated in  
21 subsection (a) or (a-5) must be commenced within 3 years after  
22 the commission of the offense if it is a felony, or within one  
23 year and 6 months after its commission if it is a misdemeanor.

24 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22.)

1           Sec. 12C-60. Curfew.

2           (a) Curfew offenses.

3                 (1) A minor commits a curfew offense when he or she  
4 remains in any public place or on the premises of any  
5 establishment during curfew hours.

6                 (2) A parent or guardian of a minor or other person in  
7 custody or control of a minor commits a curfew offense  
8 when he or she knowingly permits the minor to remain in any  
9 public place or on the premises of any establishment  
10 during curfew hours.

11           (b) Curfew defenses. It is a defense to prosecution under  
12 subsection (a) that the minor was:

13                 (1) accompanied by the minor's parent or guardian or  
14 other person in custody or control of the minor;

15                 (2) on an errand at the direction of the minor's  
16 parent or guardian, without any detour or stop;

17                 (3) in a motor vehicle involved in interstate travel;

18                 (4) engaged in an employment activity or going to or  
19 returning home from an employment activity, without any  
20 detour or stop;

21                 (5) involved in an emergency;

22                 (6) on the sidewalk abutting the minor's residence or  
23 abutting the residence of a next-door neighbor if the  
24 neighbor did not complain to the police department about  
25 the minor's presence;

26                 (7) attending an official school, religious, or other

1 recreational activity supervised by adults and sponsored  
2 by a government or governmental agency, a civic  
3 organization, or another similar entity that takes  
4 responsibility for the minor, or going to or returning  
5 home from, without any detour or stop, an official school,  
6 religious, or other recreational activity supervised by  
7 adults and sponsored by a government or governmental  
8 agency, a civic organization, or another similar entity  
9 that takes responsibility for the minor;

10 (8) exercising First Amendment rights protected by the  
11 United States Constitution, such as the free exercise of  
12 religion, freedom of speech, and the right of assembly; or

13 (9) married or had been married or is an emancipated  
14 minor under the Emancipation of Minors Act.

15 (c) Enforcement. Before taking any enforcement action  
16 under this Section, a law enforcement officer shall ask the  
17 apparent offender's age and reason for being in the public  
18 place. The officer shall not issue a citation or make an arrest  
19 under this Section unless the officer reasonably believes that  
20 an offense has occurred and that, based on any response and  
21 other circumstances, no defense in subsection (b) is present.

22 (d) Definitions. In this Section:

23 (1) "Curfew hours" means:

24 (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

25 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday;

26 and

1 (C) Between 11:00 p.m. on Sunday to Thursday,  
2 inclusive, and 6:00 a.m. on the following day.

3 (2) "Emergency" means an unforeseen combination of  
4 circumstances or the resulting state that calls for  
5 immediate action. The term includes, but is not limited  
6 to, a fire, a natural disaster, an automobile crash  
7 ~~accident~~, or any situation requiring immediate action to  
8 prevent serious bodily injury or loss of life.

9 (3) "Establishment" means any privately-owned place of  
10 business operated for a profit to which the public is  
11 invited, including, but not limited to, any place of  
12 amusement or entertainment.

13 (4) "Guardian" means:

14 (A) a person who, under court order, is the  
15 guardian of the person of a minor; or

16 (B) a public or private agency with whom a minor  
17 has been placed by a court.

18 (5) "Minor" means any person under 17 years of age.

19 (6) "Parent" means a person who is:

20 (A) a natural parent, adoptive parent, or  
21 step-parent of another person; or

22 (B) at least 18 years of age and authorized by a  
23 parent or guardian to have the care and custody of a  
24 minor.

25 (7) "Public place" means any place to which the public  
26 or a substantial group of the public has access and

1 includes, but is not limited to, streets, highways, and  
2 the common areas of schools, hospitals, apartment houses,  
3 office buildings, transport facilities, and shops.

4 (8) "Remain" means to:

5 (A) linger or stay; or

6 (B) fail to leave premises when requested to do so  
7 by a police officer or the owner, operator, or other  
8 person in control of the premises.

9 (9) "Serious bodily injury" means bodily injury that  
10 creates a substantial risk of death or that causes death,  
11 serious permanent disfigurement, or protracted loss or  
12 impairment of the function of any bodily member or organ.

13 (e) Sentence. A violation of this Section is a petty  
14 offense with a fine of not less than \$10 nor more than \$500,  
15 except that neither a person who has been made a ward of the  
16 court under the Juvenile Court Act of 1987, nor that person's  
17 legal guardian, shall be subject to any fine. In addition to or  
18 instead of the fine imposed by this Section, the court may  
19 order a parent, legal guardian, or other person convicted of a  
20 violation of subsection (a) of this Section to perform  
21 community service as determined by the court, except that the  
22 legal guardian of a person who has been made a ward of the  
23 court under the Juvenile Court Act of 1987 may not be ordered  
24 to perform community service. The dates and times established  
25 for the performance of community service by the parent, legal  
26 guardian, or other person convicted of a violation of

1 subsection (a) of this Section shall not conflict with the  
2 dates and times that the person is employed in his or her  
3 regular occupation.

4 (f) County, municipal and other local boards and bodies  
5 authorized to adopt local police laws and regulations under  
6 the constitution and laws of this State may exercise  
7 legislative or regulatory authority over this subject matter  
8 by ordinance or resolution incorporating the substance of this  
9 Section or increasing the requirements thereof or otherwise  
10 not in conflict with this Section.

11 (Source: P.A. 97-1109, eff. 1-1-13.)

12 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

13 Sec. 36-1. Property subject to forfeiture.

14 (a) Any vessel or watercraft, vehicle, or aircraft is  
15 subject to forfeiture under this Article if the vessel or  
16 watercraft, vehicle, or aircraft is used with the knowledge  
17 and consent of the owner in the commission of or in the attempt  
18 to commit as defined in Section 8-4 of this Code:

19 (1) an offense prohibited by Section 9-1 (first degree  
20 murder), Section 9-3 (involuntary manslaughter and  
21 reckless homicide), Section 10-2 (aggravated kidnaping),  
22 Section 11-1.20 (criminal sexual assault), Section 11-1.30  
23 (aggravated criminal sexual assault), Section 11-1.40  
24 (predatory criminal sexual assault of a child), subsection  
25 (a) of Section 11-1.50 (criminal sexual abuse), subsection

1 (a), (c), or (d) of Section 11-1.60 (aggravated criminal  
2 sexual abuse), Section 11-6 (indecent solicitation of a  
3 child), Section 11-14.4 (promoting juvenile prostitution  
4 except for keeping a place of juvenile prostitution),  
5 Section 11-20.1 (child pornography), paragraph (a)(1),  
6 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),  
7 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05  
8 (aggravated battery), Section 12-7.3 (stalking), Section  
9 12-7.4 (aggravated stalking), Section 16-1 (theft if the  
10 theft is of precious metal or of scrap metal), subdivision  
11 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section  
12 18-2 (armed robbery), Section 19-1 (burglary), Section  
13 19-2 (possession of burglary tools), Section 19-3  
14 (residential burglary), Section 20-1 (arson; residential  
15 arson; place of worship arson), Section 20-2 (possession  
16 of explosives or explosive or incendiary devices),  
17 subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use  
18 of weapons), Section 24-1.2 (aggravated discharge of a  
19 firearm), Section 24-1.2-5 (aggravated discharge of a  
20 machine gun or a firearm equipped with a device designed  
21 or used for silencing the report of a firearm), Section  
22 24-1.5 (reckless discharge of a firearm), Section 28-1  
23 (gambling), or Section 29D-15.2 (possession of a deadly  
24 substance) of this Code;

25 (2) an offense prohibited by Section 21, 22, 23, 24 or  
26 26 of the Cigarette Tax Act if the vessel or watercraft,



1 vehicle, or aircraft contains more than 10 cartons of such  
2 cigarettes;

3 (3) an offense prohibited by Section 28, 29, or 30 of  
4 the Cigarette Use Tax Act if the vessel or watercraft,  
5 vehicle, or aircraft contains more than 10 cartons of such  
6 cigarettes;

7 (4) an offense prohibited by Section 44 of the  
8 Environmental Protection Act;

9 (5) an offense prohibited by Section 11-204.1 of the  
10 Illinois Vehicle Code (aggravated fleeing or attempting to  
11 elude a peace officer);

12 (6) an offense prohibited by Section 11-501 of the  
13 Illinois Vehicle Code (driving while under the influence  
14 of alcohol or other drug or drugs, intoxicating compound  
15 or compounds or any combination thereof) or a similar  
16 provision of a local ordinance, and:

17 (A) during a period in which his or her driving  
18 privileges are revoked or suspended if the revocation  
19 or suspension was for:

20 (i) Section 11-501 (driving under the  
21 influence of alcohol or other drug or drugs,  
22 intoxicating compound or compounds or any  
23 combination thereof),

24 (ii) Section 11-501.1 (statutory summary  
25 suspension or revocation),

26 (iii) paragraph (b) of Section 11-401 (motor

1 vehicle crashes ~~accidents~~ involving death or  
2 personal injuries), or

3 (iv) reckless homicide as defined in Section  
4 9-3 of this Code;

5 (B) has been previously convicted of reckless  
6 homicide or a similar provision of a law of another  
7 state relating to reckless homicide in which the  
8 person was determined to have been under the influence  
9 of alcohol, other drug or drugs, or intoxicating  
10 compound or compounds as an element of the offense or  
11 the person has previously been convicted of committing  
12 a violation of driving under the influence of alcohol  
13 or other drug or drugs, intoxicating compound or  
14 compounds or any combination thereof and was involved  
15 in a motor vehicle crash ~~accident~~ that resulted in  
16 death, great bodily harm, or permanent disability or  
17 disfigurement to another, when the violation was a  
18 proximate cause of the death or injuries;

19 (C) the person committed a violation of driving  
20 under the influence of alcohol or other drug or drugs,  
21 intoxicating compound or compounds or any combination  
22 thereof under Section 11-501 of the Illinois Vehicle  
23 Code or a similar provision for the third or  
24 subsequent time;

25 (D) he or she did not possess a valid driver's  
26 license or permit or a valid restricted driving permit

1 or a valid judicial driving permit or a valid  
2 monitoring device driving permit; or

3 (E) he or she knew or should have known that the  
4 vehicle he or she was driving was not covered by a  
5 liability insurance policy;

6 (7) an offense described in subsection (g) of Section  
7 6-303 of the Illinois Vehicle Code;

8 (8) an offense described in subsection (e) of Section  
9 6-101 of the Illinois Vehicle Code; or

10 (9) (A) operating a watercraft under the influence of  
11 alcohol, other drug or drugs, intoxicating compound or  
12 compounds, or combination thereof under Section 5-16 of  
13 the Boat Registration and Safety Act during a period in  
14 which his or her privileges to operate a watercraft are  
15 revoked or suspended and the revocation or suspension was  
16 for operating a watercraft under the influence of alcohol,  
17 other drug or drugs, intoxicating compound or compounds,  
18 or combination thereof; (B) operating a watercraft under  
19 the influence of alcohol, other drug or drugs,  
20 intoxicating compound or compounds, or combination thereof  
21 and has been previously convicted of reckless homicide or  
22 a similar provision of a law in another state relating to  
23 reckless homicide in which the person was determined to  
24 have been under the influence of alcohol, other drug or  
25 drugs, intoxicating compound or compounds, or combination  
26 thereof as an element of the offense or the person has

1           previously been convicted of committing a violation of  
2           operating a watercraft under the influence of alcohol,  
3           other drug or drugs, intoxicating compound or compounds,  
4           or combination thereof and was involved in an accident  
5           that resulted in death, great bodily harm, or permanent  
6           disability or disfigurement to another, when the violation  
7           was a proximate cause of the death or injuries; or (C) the  
8           person committed a violation of operating a watercraft  
9           under the influence of alcohol, other drug or drugs,  
10          intoxicating compound or compounds, or combination thereof  
11          under Section 5-16 of the Boat Registration and Safety Act  
12          or a similar provision for the third or subsequent time.

13          (b) In addition, any mobile or portable equipment used in  
14          the commission of an act which is in violation of Section 7g of  
15          the Metropolitan Water Reclamation District Act shall be  
16          subject to seizure and forfeiture under the same procedures  
17          provided in this Article for the seizure and forfeiture of  
18          vessels or watercraft, vehicles, and aircraft, and any such  
19          equipment shall be deemed a vessel or watercraft, vehicle, or  
20          aircraft for purposes of this Article.

21          (c) In addition, when a person discharges a firearm at  
22          another individual from a vehicle with the knowledge and  
23          consent of the owner of the vehicle and with the intent to  
24          cause death or great bodily harm to that individual and as a  
25          result causes death or great bodily harm to that individual,  
26          the vehicle shall be subject to seizure and forfeiture under

1 the same procedures provided in this Article for the seizure  
2 and forfeiture of vehicles used in violations of clauses (1),  
3 (2), (3), or (4) of subsection (a) of this Section.

4 (d) If the spouse of the owner of a vehicle seized for an  
5 offense described in subsection (g) of Section 6-303 of the  
6 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
7 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
8 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
9 Code makes a showing that the seized vehicle is the only source  
10 of transportation and it is determined that the financial  
11 hardship to the family as a result of the seizure outweighs the  
12 benefit to the State from the seizure, the vehicle may be  
13 forfeited to the spouse or family member and the title to the  
14 vehicle shall be transferred to the spouse or family member  
15 who is properly licensed and who requires the use of the  
16 vehicle for employment or family transportation purposes. A  
17 written declaration of forfeiture of a vehicle under this  
18 Section shall be sufficient cause for the title to be  
19 transferred to the spouse or family member. The provisions of  
20 this paragraph shall apply only to one forfeiture per vehicle.  
21 If the vehicle is the subject of a subsequent forfeiture  
22 proceeding by virtue of a subsequent conviction of either  
23 spouse or the family member, the spouse or family member to  
24 whom the vehicle was forfeited under the first forfeiture  
25 proceeding may not utilize the provisions of this paragraph in  
26 another forfeiture proceeding. If the owner of the vehicle

1 seized owns more than one vehicle, the procedure set out in  
2 this paragraph may be used for only one vehicle.

3 (e) In addition, property subject to forfeiture under  
4 Section 40 of the Illinois Streetgang Terrorism Omnibus  
5 Prevention Act may be seized and forfeited under this Article.

6 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

7 Section 130. The Code of Criminal Procedure of 1963 is  
8 amended by changing Section 102-7.1 as follows:

9 (725 ILCS 5/102-7.1)

10 Sec. 102-7.1. "Category A offense". "Category A offense"  
11 means a Class 1 felony, Class 2 felony, Class X felony, first  
12 degree murder, a violation of Section 11-204 of the Illinois  
13 Vehicle Code, a second or subsequent violation of Section  
14 11-501 of the Illinois Vehicle Code, a violation of subsection  
15 (d) of Section 11-501 of the Illinois Vehicle Code, a  
16 violation of Section 11-401 of the Illinois Vehicle Code if  
17 the crash ~~accident~~ results in injury and the person failed to  
18 report the crash ~~accident~~ within 30 minutes, a violation of  
19 Section 9-3, 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1,  
20 11-23.5, 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a,  
21 12-5, 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1,  
22 24-1.5, 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of  
23 2012, a second or subsequent violation of 12-3.2 or 12-3.4 of  
24 the Criminal Code of 2012, a violation of paragraph (5) or (6)

1 of subsection (b) of Section 10-9 of the Criminal Code of 2012,  
2 a violation of subsection (b) or (c) or paragraph (1) or (2) of  
3 subsection (a) of Section 11-1.50 of the Criminal Code of  
4 2012, a violation of Section 12-7 of the Criminal Code of 2012  
5 if the defendant inflicts bodily harm on the victim to obtain a  
6 confession, statement, or information, a violation of Section  
7 12-7.5 of the Criminal Code of 2012 if the action results in  
8 bodily harm, a violation of paragraph (3) of subsection (b) of  
9 Section 17-2 of the Criminal Code of 2012, a violation of  
10 subdivision (a) (7) (ii) of Section 24-1 of the Criminal Code of  
11 2012, a violation of paragraph (6) of subsection (a) of  
12 Section 24-1 of the Criminal Code of 2012, a first violation of  
13 Section 24-1.6 of the Criminal Code of 2012 by a person 18  
14 years of age or older where the factors listed in both items  
15 (A) and (C) or both items (A-5) and (C) of paragraph (3) of  
16 subsection (a) of Section 24-1.6 of the Criminal Code of 2012  
17 are present, a Class 3 felony violation of paragraph (1) of  
18 subsection (a) of Section 2 of the Firearm Owners  
19 Identification Card Act, or a violation of Section 10 of the  
20 Sex Offender Registration Act.

21 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

22 Section 135. The Rights of Crime Victims and Witnesses Act  
23 is amended by changing Section 3 as follows:

24 (725 ILCS 120/3) (from Ch. 38, par. 1403)

1           Sec. 3. The terms used in this Act shall have the following  
2 meanings:

3           (a) "Crime victim" or "victim" means: (1) any natural  
4 person determined by the prosecutor or the court to have  
5 suffered direct physical or psychological harm as a result of  
6 a violent crime perpetrated or attempted against that person  
7 or direct physical or psychological harm as a result of (i) a  
8 violation of Section 11-501 of the Illinois Vehicle Code or  
9 similar provision of a local ordinance or (ii) a violation of  
10 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012; (2) in the case of a crime victim who is under 18  
12 years of age or an adult victim who is incompetent or  
13 incapacitated, both parents, legal guardians, foster parents,  
14 or a single adult representative; (3) in the case of an adult  
15 deceased victim, 2 representatives who may be the spouse,  
16 parent, child or sibling of the victim, or the representative  
17 of the victim's estate; and (4) an immediate family member of a  
18 victim under clause (1) of this paragraph (a) chosen by the  
19 victim. If the victim is 18 years of age or over, the victim  
20 may choose any person to be the victim's representative. In no  
21 event shall the defendant or any person who aided and abetted  
22 in the commission of the crime be considered a victim, a crime  
23 victim, or a representative of the victim.

24           A board, agency, or other governmental entity making  
25 decisions regarding an offender's release, sentence reduction,  
26 or clemency can determine additional persons are victims for



1 the purpose of its proceedings.

2 (a-3) "Advocate" means a person whose communications with  
3 the victim are privileged under Section 8-802.1 or 8-802.2 of  
4 the Code of Civil Procedure, or Section 227 of the Illinois  
5 Domestic Violence Act of 1986.

6 (a-5) "Confer" means to consult together, share  
7 information, compare opinions and carry on a discussion or  
8 deliberation.

9 (a-7) "Sentence" includes, but is not limited to, the  
10 imposition of sentence, a request for a reduction in sentence,  
11 parole, mandatory supervised release, aftercare release, early  
12 release, inpatient treatment, outpatient treatment,  
13 conditional release after a finding that the defendant is not  
14 guilty by reason of insanity, clemency, or a proposal that  
15 would reduce the defendant's sentence or result in the  
16 defendant's release. "Early release" refers to a discretionary  
17 release.

18 (a-9) "Sentencing" includes, but is not limited to, the  
19 imposition of sentence and a request for a reduction in  
20 sentence, parole, mandatory supervised release, aftercare  
21 release, early release, consideration of inpatient treatment  
22 or outpatient treatment, or conditional release after a  
23 finding that the defendant is not guilty by reason of  
24 insanity.

25 (a-10) "Status hearing" means a hearing designed to  
26 provide information to the court, at which no motion of a

1 substantive nature and no constitutional or statutory right of  
2 a crime victim is implicated or at issue.

3 (b) "Witness" means: any person who personally observed  
4 the commission of a crime and who will testify on behalf of the  
5 State of Illinois; or a person who will be called by the  
6 prosecution to give testimony establishing a necessary nexus  
7 between the offender and the violent crime.

8 (c) "Violent crime" means: (1) any felony in which force  
9 or threat of force was used against the victim; (2) any offense  
10 involving sexual exploitation, sexual conduct, or sexual  
11 penetration; (3) a violation of Section 11-20.1, 11-20.1B,  
12 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012; (4) domestic battery or stalking; (5)  
14 violation of an order of protection, a civil no contact order,  
15 or a stalking no contact order; (6) any misdemeanor which  
16 results in death or great bodily harm to the victim; or (7) any  
17 violation of Section 9-3 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, or Section 11-501 of the Illinois  
19 Vehicle Code, or a similar provision of a local ordinance, if  
20 the violation resulted in personal injury or death. "Violent  
21 crime" includes any action committed by a juvenile that would  
22 be a violent crime if committed by an adult. For the purposes  
23 of this paragraph, "personal injury" shall include any Type A  
24 injury as indicated on the traffic crash ~~accident~~ report  
25 completed by a law enforcement officer that requires immediate  
26 professional attention in either a doctor's office or medical

1 facility. A type A injury shall include severely bleeding  
2 wounds, distorted extremities, and injuries that require the  
3 injured party to be carried from the scene.

4 (d) (Blank).

5 (e) "Court proceedings" includes, but is not limited to,  
6 the preliminary hearing, any post-arraignment hearing the  
7 effect of which may be the release of the defendant from  
8 custody or to alter the conditions of bond, change of plea  
9 hearing, the trial, any pretrial or post-trial hearing,  
10 sentencing, any oral argument or hearing before an Illinois  
11 appellate court, any hearing under the Mental Health and  
12 Developmental Disabilities Code or Section 5-2-4 of the  
13 Unified Code of Corrections after a finding that the defendant  
14 is not guilty by reason of insanity, including a hearing for  
15 conditional release, any hearing related to a modification of  
16 sentence, probation revocation hearing, aftercare release or  
17 parole hearings, post-conviction relief proceedings, habeas  
18 corpus proceedings and clemency proceedings related to the  
19 defendant's conviction or sentence. For purposes of the  
20 victim's right to be present, "court proceedings" does not  
21 include (1) hearings under Section 109-1 of the Code of  
22 Criminal Procedure of 1963, (2) grand jury proceedings, (3)  
23 status hearings, or (4) the issuance of an order or decision of  
24 an Illinois court that dismisses a charge, reverses a  
25 conviction, reduces a sentence, or releases an offender under  
26 a court rule.

1 (f) "Concerned citizen" includes relatives of the victim,  
2 friends of the victim, witnesses to the crime, or any other  
3 person associated with the victim or prisoner.

4 (g) "Victim's attorney" means an attorney retained by the  
5 victim for the purposes of asserting the victim's  
6 constitutional and statutory rights. An attorney retained by  
7 the victim means an attorney who is hired to represent the  
8 victim at the victim's expense or an attorney who has agreed to  
9 provide pro bono representation. Nothing in this statute  
10 creates a right to counsel at public expense for a victim.

11 (h) "Support person" means a person chosen by a victim to  
12 be present at court proceedings.

13 (Source: P.A. 99-143, eff. 7-27-15; 99-413, eff. 8-20-15;  
14 99-642, eff. 7-28-16; 99-671, eff. 1-1-17; 100-961, eff.  
15 1-1-19.)

16 Section 140. The Unified Code of Corrections is amended by  
17 changing Sections 5-5-3.2 and 5-8-4 as follows:

18 (730 ILCS 5/5-5-3.2)

19 (Text of Section before amendment by P.A. 101-652)

20 Sec. 5-5-3.2. Factors in aggravation and extended-term  
21 sentencing.

22 (a) The following factors shall be accorded weight in  
23 favor of imposing a term of imprisonment or may be considered  
24 by the court as reasons to impose a more severe sentence under

1 Section 5-8-1 or Article 4.5 of Chapter V:

2 (1) the defendant's conduct caused or threatened  
3 serious harm;

4 (2) the defendant received compensation for committing  
5 the offense;

6 (3) the defendant has a history of prior delinquency  
7 or criminal activity;

8 (4) the defendant, by the duties of his office or by  
9 his position, was obliged to prevent the particular  
10 offense committed or to bring the offenders committing it  
11 to justice;

12 (5) the defendant held public office at the time of  
13 the offense, and the offense related to the conduct of  
14 that office;

15 (6) the defendant utilized his professional reputation  
16 or position in the community to commit the offense, or to  
17 afford him an easier means of committing it;

18 (7) the sentence is necessary to deter others from  
19 committing the same crime;

20 (8) the defendant committed the offense against a  
21 person 60 years of age or older or such person's property;

22 (9) the defendant committed the offense against a  
23 person who has a physical disability or such person's  
24 property;

25 (10) by reason of another individual's actual or  
26 perceived race, color, creed, religion, ancestry, gender,

1 sexual orientation, physical or mental disability, or  
2 national origin, the defendant committed the offense  
3 against (i) the person or property of that individual;  
4 (ii) the person or property of a person who has an  
5 association with, is married to, or has a friendship with  
6 the other individual; or (iii) the person or property of a  
7 relative (by blood or marriage) of a person described in  
8 clause (i) or (ii). For the purposes of this Section,  
9 "sexual orientation" has the meaning ascribed to it in  
10 paragraph (O-1) of Section 1-103 of the Illinois Human  
11 Rights Act;

12 (11) the offense took place in a place of worship or on  
13 the grounds of a place of worship, immediately prior to,  
14 during or immediately following worship services. For  
15 purposes of this subparagraph, "place of worship" shall  
16 mean any church, synagogue or other building, structure or  
17 place used primarily for religious worship;

18 (12) the defendant was convicted of a felony committed  
19 while he was released on bail or his own recognizance  
20 pending trial for a prior felony and was convicted of such  
21 prior felony, or the defendant was convicted of a felony  
22 committed while he was serving a period of probation,  
23 conditional discharge, or mandatory supervised release  
24 under subsection (d) of Section 5-8-1 for a prior felony;

25 (13) the defendant committed or attempted to commit a  
26 felony while he was wearing a bulletproof vest. For the

1 purposes of this paragraph (13), a bulletproof vest is any  
2 device which is designed for the purpose of protecting the  
3 wearer from bullets, shot or other lethal projectiles;

4 (14) the defendant held a position of trust or  
5 supervision such as, but not limited to, family member as  
6 defined in Section 11-0.1 of the Criminal Code of 2012,  
7 teacher, scout leader, baby sitter, or day care worker, in  
8 relation to a victim under 18 years of age, and the  
9 defendant committed an offense in violation of Section  
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
11 11-14.4 except for an offense that involves keeping a  
12 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
13 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
14 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
15 of 2012 against that victim;

16 (15) the defendant committed an offense related to the  
17 activities of an organized gang. For the purposes of this  
18 factor, "organized gang" has the meaning ascribed to it in  
19 Section 10 of the Streetgang Terrorism Omnibus Prevention  
20 Act;

21 (16) the defendant committed an offense in violation  
22 of one of the following Sections while in a school,  
23 regardless of the time of day or time of year; on any  
24 conveyance owned, leased, or contracted by a school to  
25 transport students to or from school or a school related  
26 activity; on the real property of a school; or on a public

1 way within 1,000 feet of the real property comprising any  
2 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
3 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
4 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
5 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
6 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
7 for subdivision (a) (4) or (g) (1), of the Criminal Code of  
8 1961 or the Criminal Code of 2012;

9 (16.5) the defendant committed an offense in violation  
10 of one of the following Sections while in a day care  
11 center, regardless of the time of day or time of year; on  
12 the real property of a day care center, regardless of the  
13 time of day or time of year; or on a public way within  
14 1,000 feet of the real property comprising any day care  
15 center, regardless of the time of day or time of year:  
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
21 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
22 Criminal Code of 2012;

23 (17) the defendant committed the offense by reason of  
24 any person's activity as a community policing volunteer or  
25 to prevent any person from engaging in activity as a  
26 community policing volunteer. For the purpose of this



1 Section, "community policing volunteer" has the meaning  
2 ascribed to it in Section 2-3.5 of the Criminal Code of  
3 2012;

4 (18) the defendant committed the offense in a nursing  
5 home or on the real property comprising a nursing home.  
6 For the purposes of this paragraph (18), "nursing home"  
7 means a skilled nursing or intermediate long term care  
8 facility that is subject to license by the Illinois  
9 Department of Public Health under the Nursing Home Care  
10 Act, the Specialized Mental Health Rehabilitation Act of  
11 2013, the ID/DD Community Care Act, or the MC/DD Act;

12 (19) the defendant was a federally licensed firearm  
13 dealer and was previously convicted of a violation of  
14 subsection (a) of Section 3 of the Firearm Owners  
15 Identification Card Act and has now committed either a  
16 felony violation of the Firearm Owners Identification Card  
17 Act or an act of armed violence while armed with a firearm;

18 (20) the defendant (i) committed the offense of  
19 reckless homicide under Section 9-3 of the Criminal Code  
20 of 1961 or the Criminal Code of 2012 or the offense of  
21 driving under the influence of alcohol, other drug or  
22 drugs, intoxicating compound or compounds or any  
23 combination thereof under Section 11-501 of the Illinois  
24 Vehicle Code or a similar provision of a local ordinance  
25 and (ii) was operating a motor vehicle in excess of 20  
26 miles per hour over the posted speed limit as provided in

1 Article VI of Chapter 11 of the Illinois Vehicle Code;

2 (21) the defendant (i) committed the offense of  
3 reckless driving or aggravated reckless driving under  
4 Section 11-503 of the Illinois Vehicle Code and (ii) was  
5 operating a motor vehicle in excess of 20 miles per hour  
6 over the posted speed limit as provided in Article VI of  
7 Chapter 11 of the Illinois Vehicle Code;

8 (22) the defendant committed the offense against a  
9 person that the defendant knew, or reasonably should have  
10 known, was a member of the Armed Forces of the United  
11 States serving on active duty. For purposes of this clause  
12 (22), the term "Armed Forces" means any of the Armed  
13 Forces of the United States, including a member of any  
14 reserve component thereof or National Guard unit called to  
15 active duty;

16 (23) the defendant committed the offense against a  
17 person who was elderly or infirm or who was a person with a  
18 disability by taking advantage of a family or fiduciary  
19 relationship with the elderly or infirm person or person  
20 with a disability;

21 (24) the defendant committed any offense under Section  
22 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
23 of 2012 and possessed 100 or more images;

24 (25) the defendant committed the offense while the  
25 defendant or the victim was in a train, bus, or other  
26 vehicle used for public transportation;

1           (26) the defendant committed the offense of child  
2 pornography or aggravated child pornography, specifically  
3 including paragraph (1), (2), (3), (4), (5), or (7) of  
4 subsection (a) of Section 11-20.1 of the Criminal Code of  
5 1961 or the Criminal Code of 2012 where a child engaged in,  
6 solicited for, depicted in, or posed in any act of sexual  
7 penetration or bound, fettered, or subject to sadistic,  
8 masochistic, or sadomasochistic abuse in a sexual context  
9 and specifically including paragraph (1), (2), (3), (4),  
10 (5), or (7) of subsection (a) of Section 11-20.1B or  
11 Section 11-20.3 of the Criminal Code of 1961 where a child  
12 engaged in, solicited for, depicted in, or posed in any  
13 act of sexual penetration or bound, fettered, or subject  
14 to sadistic, masochistic, or sadomasochistic abuse in a  
15 sexual context;

16           (27) the defendant committed the offense of first  
17 degree murder, assault, aggravated assault, battery,  
18 aggravated battery, robbery, armed robbery, or aggravated  
19 robbery against a person who was a veteran and the  
20 defendant knew, or reasonably should have known, that the  
21 person was a veteran performing duties as a representative  
22 of a veterans' organization. For the purposes of this  
23 paragraph (27), "veteran" means an Illinois resident who  
24 has served as a member of the United States Armed Forces, a  
25 member of the Illinois National Guard, or a member of the  
26 United States Reserve Forces; and "veterans' organization"

1 means an organization comprised of members of which  
2 substantially all are individuals who are veterans or  
3 spouses, widows, or widowers of veterans, the primary  
4 purpose of which is to promote the welfare of its members  
5 and to provide assistance to the general public in such a  
6 way as to confer a public benefit;

7 (28) the defendant committed the offense of assault,  
8 aggravated assault, battery, aggravated battery, robbery,  
9 armed robbery, or aggravated robbery against a person that  
10 the defendant knew or reasonably should have known was a  
11 letter carrier or postal worker while that person was  
12 performing his or her duties delivering mail for the  
13 United States Postal Service;

14 (29) the defendant committed the offense of criminal  
15 sexual assault, aggravated criminal sexual assault,  
16 criminal sexual abuse, or aggravated criminal sexual abuse  
17 against a victim with an intellectual disability, and the  
18 defendant holds a position of trust, authority, or  
19 supervision in relation to the victim;

20 (30) the defendant committed the offense of promoting  
21 juvenile prostitution, patronizing a prostitute, or  
22 patronizing a minor engaged in prostitution and at the  
23 time of the commission of the offense knew that the  
24 prostitute or minor engaged in prostitution was in the  
25 custody or guardianship of the Department of Children and  
26 Family Services;

1           (31) the defendant (i) committed the offense of  
2 driving while under the influence of alcohol, other drug  
3 or drugs, intoxicating compound or compounds or any  
4 combination thereof in violation of Section 11-501 of the  
5 Illinois Vehicle Code or a similar provision of a local  
6 ordinance and (ii) the defendant during the commission of  
7 the offense was driving his or her vehicle upon a roadway  
8 designated for one-way traffic in the opposite direction  
9 of the direction indicated by official traffic control  
10 devices;

11           (32) the defendant committed the offense of reckless  
12 homicide while committing a violation of Section 11-907 of  
13 the Illinois Vehicle Code;

14           (33) the defendant was found guilty of an  
15 administrative infraction related to an act or acts of  
16 public indecency or sexual misconduct in the penal  
17 institution. In this paragraph (33), "penal institution"  
18 has the same meaning as in Section 2-14 of the Criminal  
19 Code of 2012; or

20           (34) the defendant committed the offense of leaving  
21 the scene of a crash ~~an accident~~ in violation of  
22 subsection (b) of Section 11-401 of the Illinois Vehicle  
23 Code and the crash ~~accident~~ resulted in the death of a  
24 person and at the time of the offense, the defendant was:  
25 (i) driving under the influence of alcohol, other drug or  
26 drugs, intoxicating compound or compounds or any

1 combination thereof as defined by Section 11-501 of the  
2 Illinois Vehicle Code; or (ii) operating the motor vehicle  
3 while using an electronic communication device as defined  
4 in Section 12-610.2 of the Illinois Vehicle Code.

5 For the purposes of this Section:

6 "School" is defined as a public or private elementary or  
7 secondary school, community college, college, or university.

8 "Day care center" means a public or private State  
9 certified and licensed day care center as defined in Section  
10 2.09 of the Child Care Act of 1969 that displays a sign in  
11 plain view stating that the property is a day care center.

12 "Intellectual disability" means significantly subaverage  
13 intellectual functioning which exists concurrently with  
14 impairment in adaptive behavior.

15 "Public transportation" means the transportation or  
16 conveyance of persons by means available to the general  
17 public, and includes paratransit services.

18 "Traffic control devices" means all signs, signals,  
19 markings, and devices that conform to the Illinois Manual on  
20 Uniform Traffic Control Devices, placed or erected by  
21 authority of a public body or official having jurisdiction,  
22 for the purpose of regulating, warning, or guiding traffic.

23 (b) The following factors, related to all felonies, may be  
24 considered by the court as reasons to impose an extended term  
25 sentence under Section 5-8-2 upon any offender:

26 (1) When a defendant is convicted of any felony, after

1           having been previously convicted in Illinois or any other  
2           jurisdiction of the same or similar class felony or  
3           greater class felony, when such conviction has occurred  
4           within 10 years after the previous conviction, excluding  
5           time spent in custody, and such charges are separately  
6           brought and tried and arise out of different series of  
7           acts; or

8           (2) When a defendant is convicted of any felony and  
9           the court finds that the offense was accompanied by  
10          exceptionally brutal or heinous behavior indicative of  
11          wanton cruelty; or

12          (3) When a defendant is convicted of any felony  
13          committed against:

14               (i) a person under 12 years of age at the time of  
15               the offense or such person's property;

16               (ii) a person 60 years of age or older at the time  
17               of the offense or such person's property; or

18               (iii) a person who had a physical disability at  
19               the time of the offense or such person's property; or

20          (4) When a defendant is convicted of any felony and  
21          the offense involved any of the following types of  
22          specific misconduct committed as part of a ceremony, rite,  
23          initiation, observance, performance, practice or activity  
24          of any actual or ostensible religious, fraternal, or  
25          social group:

26               (i) the brutalizing or torturing of humans or

1 animals;

2 (ii) the theft of human corpses;

3 (iii) the kidnapping of humans;

4 (iv) the desecration of any cemetery, religious,  
5 fraternal, business, governmental, educational, or  
6 other building or property; or

7 (v) ritualized abuse of a child; or

8 (5) When a defendant is convicted of a felony other  
9 than conspiracy and the court finds that the felony was  
10 committed under an agreement with 2 or more other persons  
11 to commit that offense and the defendant, with respect to  
12 the other individuals, occupied a position of organizer,  
13 supervisor, financier, or any other position of management  
14 or leadership, and the court further finds that the felony  
15 committed was related to or in furtherance of the criminal  
16 activities of an organized gang or was motivated by the  
17 defendant's leadership in an organized gang; or

18 (6) When a defendant is convicted of an offense  
19 committed while using a firearm with a laser sight  
20 attached to it. For purposes of this paragraph, "laser  
21 sight" has the meaning ascribed to it in Section 26-7 of  
22 the Criminal Code of 2012; or

23 (7) When a defendant who was at least 17 years of age  
24 at the time of the commission of the offense is convicted  
25 of a felony and has been previously adjudicated a  
26 delinquent minor under the Juvenile Court Act of 1987 for



1 an act that if committed by an adult would be a Class X or  
2 Class 1 felony when the conviction has occurred within 10  
3 years after the previous adjudication, excluding time  
4 spent in custody; or

5 (8) When a defendant commits any felony and the  
6 defendant used, possessed, exercised control over, or  
7 otherwise directed an animal to assault a law enforcement  
8 officer engaged in the execution of his or her official  
9 duties or in furtherance of the criminal activities of an  
10 organized gang in which the defendant is engaged; or

11 (9) When a defendant commits any felony and the  
12 defendant knowingly video or audio records the offense  
13 with the intent to disseminate the recording.

14 (c) The following factors may be considered by the court  
15 as reasons to impose an extended term sentence under Section  
16 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
17 offenses:

18 (1) When a defendant is convicted of first degree  
19 murder, after having been previously convicted in Illinois  
20 of any offense listed under paragraph (c)(2) of Section  
21 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
22 occurred within 10 years after the previous conviction,  
23 excluding time spent in custody, and the charges are  
24 separately brought and tried and arise out of different  
25 series of acts.

26 (1.5) When a defendant is convicted of first degree

1 murder, after having been previously convicted of domestic  
2 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
3 (720 ILCS 5/12-3.3) committed on the same victim or after  
4 having been previously convicted of violation of an order  
5 of protection (720 ILCS 5/12-30) in which the same victim  
6 was the protected person.

7 (2) When a defendant is convicted of voluntary  
8 manslaughter, second degree murder, involuntary  
9 manslaughter, or reckless homicide in which the defendant  
10 has been convicted of causing the death of more than one  
11 individual.

12 (3) When a defendant is convicted of aggravated  
13 criminal sexual assault or criminal sexual assault, when  
14 there is a finding that aggravated criminal sexual assault  
15 or criminal sexual assault was also committed on the same  
16 victim by one or more other individuals, and the defendant  
17 voluntarily participated in the crime with the knowledge  
18 of the participation of the others in the crime, and the  
19 commission of the crime was part of a single course of  
20 conduct during which there was no substantial change in  
21 the nature of the criminal objective.

22 (4) If the victim was under 18 years of age at the time  
23 of the commission of the offense, when a defendant is  
24 convicted of aggravated criminal sexual assault or  
25 predatory criminal sexual assault of a child under  
26 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)

1 of Section 12-14.1 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

3 (5) When a defendant is convicted of a felony  
4 violation of Section 24-1 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
6 finding that the defendant is a member of an organized  
7 gang.

8 (6) When a defendant was convicted of unlawful use of  
9 weapons under Section 24-1 of the Criminal Code of 1961 or  
10 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
11 a weapon that is not readily distinguishable as one of the  
12 weapons enumerated in Section 24-1 of the Criminal Code of  
13 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

14 (7) When a defendant is convicted of an offense  
15 involving the illegal manufacture of a controlled  
16 substance under Section 401 of the Illinois Controlled  
17 Substances Act (720 ILCS 570/401), the illegal manufacture  
18 of methamphetamine under Section 25 of the Methamphetamine  
19 Control and Community Protection Act (720 ILCS 646/25), or  
20 the illegal possession of explosives and an emergency  
21 response officer in the performance of his or her duties  
22 is killed or injured at the scene of the offense while  
23 responding to the emergency caused by the commission of  
24 the offense. In this paragraph, "emergency" means a  
25 situation in which a person's life, health, or safety is  
26 in jeopardy; and "emergency response officer" means a

1 peace officer, community policing volunteer, fireman,  
2 emergency medical technician-ambulance, emergency medical  
3 technician-intermediate, emergency medical  
4 technician-paramedic, ambulance driver, other medical  
5 assistance or first aid personnel, or hospital emergency  
6 room personnel.

7 (8) When the defendant is convicted of attempted mob  
8 action, solicitation to commit mob action, or conspiracy  
9 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
10 Criminal Code of 2012, where the criminal object is a  
11 violation of Section 25-1 of the Criminal Code of 2012,  
12 and an electronic communication is used in the commission  
13 of the offense. For the purposes of this paragraph (8),  
14 "electronic communication" shall have the meaning provided  
15 in Section 26.5-0.1 of the Criminal Code of 2012.

16 (d) For the purposes of this Section, "organized gang" has  
17 the meaning ascribed to it in Section 10 of the Illinois  
18 Streetgang Terrorism Omnibus Prevention Act.

19 (e) The court may impose an extended term sentence under  
20 Article 4.5 of Chapter V upon an offender who has been  
21 convicted of a felony violation of Section 11-1.20, 11-1.30,  
22 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
23 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
24 when the victim of the offense is under 18 years of age at the  
25 time of the commission of the offense and, during the  
26 commission of the offense, the victim was under the influence

1 of alcohol, regardless of whether or not the alcohol was  
2 supplied by the offender; and the offender, at the time of the  
3 commission of the offense, knew or should have known that the  
4 victim had consumed alcohol.

5 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
6 101-417, eff. 1-1-20; 102-558, eff. 8-20-21.)

7 (Text of Section after amendment by P.A. 101-652)

8 Sec. 5-5-3.2. Factors in aggravation and extended-term  
9 sentencing.

10 (a) The following factors shall be accorded weight in  
11 favor of imposing a term of imprisonment or may be considered  
12 by the court as reasons to impose a more severe sentence under  
13 Section 5-8-1 or Article 4.5 of Chapter V:

14 (1) the defendant's conduct caused or threatened  
15 serious harm;

16 (2) the defendant received compensation for committing  
17 the offense;

18 (3) the defendant has a history of prior delinquency  
19 or criminal activity;

20 (4) the defendant, by the duties of his office or by  
21 his position, was obliged to prevent the particular  
22 offense committed or to bring the offenders committing it  
23 to justice;

24 (5) the defendant held public office at the time of  
25 the offense, and the offense related to the conduct of

1           that office;

2           (6) the defendant utilized his professional reputation  
3           or position in the community to commit the offense, or to  
4           afford him an easier means of committing it;

5           (7) the sentence is necessary to deter others from  
6           committing the same crime;

7           (8) the defendant committed the offense against a  
8           person 60 years of age or older or such person's property;

9           (9) the defendant committed the offense against a  
10          person who has a physical disability or such person's  
11          property;

12          (10) by reason of another individual's actual or  
13          perceived race, color, creed, religion, ancestry, gender,  
14          sexual orientation, physical or mental disability, or  
15          national origin, the defendant committed the offense  
16          against (i) the person or property of that individual;  
17          (ii) the person or property of a person who has an  
18          association with, is married to, or has a friendship with  
19          the other individual; or (iii) the person or property of a  
20          relative (by blood or marriage) of a person described in  
21          clause (i) or (ii). For the purposes of this Section,  
22          "sexual orientation" has the meaning ascribed to it in  
23          paragraph (O-1) of Section 1-103 of the Illinois Human  
24          Rights Act;

25          (11) the offense took place in a place of worship or on  
26          the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For  
2 purposes of this subparagraph, "place of worship" shall  
3 mean any church, synagogue or other building, structure or  
4 place used primarily for religious worship;

5 (12) the defendant was convicted of a felony committed  
6 while he was on pretrial release or his own recognizance  
7 pending trial for a prior felony and was convicted of such  
8 prior felony, or the defendant was convicted of a felony  
9 committed while he was serving a period of probation,  
10 conditional discharge, or mandatory supervised release  
11 under subsection (d) of Section 5-8-1 for a prior felony;

12 (13) the defendant committed or attempted to commit a  
13 felony while he was wearing a bulletproof vest. For the  
14 purposes of this paragraph (13), a bulletproof vest is any  
15 device which is designed for the purpose of protecting the  
16 wearer from bullets, shot or other lethal projectiles;

17 (14) the defendant held a position of trust or  
18 supervision such as, but not limited to, family member as  
19 defined in Section 11-0.1 of the Criminal Code of 2012,  
20 teacher, scout leader, baby sitter, or day care worker, in  
21 relation to a victim under 18 years of age, and the  
22 defendant committed an offense in violation of Section  
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
24 11-14.4 except for an offense that involves keeping a  
25 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
26 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15

1 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
2 of 2012 against that victim;

3 (15) the defendant committed an offense related to the  
4 activities of an organized gang. For the purposes of this  
5 factor, "organized gang" has the meaning ascribed to it in  
6 Section 10 of the Streetgang Terrorism Omnibus Prevention  
7 Act;

8 (16) the defendant committed an offense in violation  
9 of one of the following Sections while in a school,  
10 regardless of the time of day or time of year; on any  
11 conveyance owned, leased, or contracted by a school to  
12 transport students to or from school or a school related  
13 activity; on the real property of a school; or on a public  
14 way within 1,000 feet of the real property comprising any  
15 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
16 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
17 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
18 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
19 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
20 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
21 1961 or the Criminal Code of 2012;

22 (16.5) the defendant committed an offense in violation  
23 of one of the following Sections while in a day care  
24 center, regardless of the time of day or time of year; on  
25 the real property of a day care center, regardless of the  
26 time of day or time of year; or on a public way within



1 1,000 feet of the real property comprising any day care  
2 center, regardless of the time of day or time of year:  
3 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
4 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
5 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
6 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
7 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
8 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
9 Criminal Code of 2012;

10 (17) the defendant committed the offense by reason of  
11 any person's activity as a community policing volunteer or  
12 to prevent any person from engaging in activity as a  
13 community policing volunteer. For the purpose of this  
14 Section, "community policing volunteer" has the meaning  
15 ascribed to it in Section 2-3.5 of the Criminal Code of  
16 2012;

17 (18) the defendant committed the offense in a nursing  
18 home or on the real property comprising a nursing home.  
19 For the purposes of this paragraph (18), "nursing home"  
20 means a skilled nursing or intermediate long term care  
21 facility that is subject to license by the Illinois  
22 Department of Public Health under the Nursing Home Care  
23 Act, the Specialized Mental Health Rehabilitation Act of  
24 2013, the ID/DD Community Care Act, or the MC/DD Act;

25 (19) the defendant was a federally licensed firearm  
26 dealer and was previously convicted of a violation of

1 subsection (a) of Section 3 of the Firearm Owners  
2 Identification Card Act and has now committed either a  
3 felony violation of the Firearm Owners Identification Card  
4 Act or an act of armed violence while armed with a firearm;

5 (20) the defendant (i) committed the offense of  
6 reckless homicide under Section 9-3 of the Criminal Code  
7 of 1961 or the Criminal Code of 2012 or the offense of  
8 driving under the influence of alcohol, other drug or  
9 drugs, intoxicating compound or compounds or any  
10 combination thereof under Section 11-501 of the Illinois  
11 Vehicle Code or a similar provision of a local ordinance  
12 and (ii) was operating a motor vehicle in excess of 20  
13 miles per hour over the posted speed limit as provided in  
14 Article VI of Chapter 11 of the Illinois Vehicle Code;

15 (21) the defendant (i) committed the offense of  
16 reckless driving or aggravated reckless driving under  
17 Section 11-503 of the Illinois Vehicle Code and (ii) was  
18 operating a motor vehicle in excess of 20 miles per hour  
19 over the posted speed limit as provided in Article VI of  
20 Chapter 11 of the Illinois Vehicle Code;

21 (22) the defendant committed the offense against a  
22 person that the defendant knew, or reasonably should have  
23 known, was a member of the Armed Forces of the United  
24 States serving on active duty. For purposes of this clause  
25 (22), the term "Armed Forces" means any of the Armed  
26 Forces of the United States, including a member of any

1 reserve component thereof or National Guard unit called to  
2 active duty;

3 (23) the defendant committed the offense against a  
4 person who was elderly or infirm or who was a person with a  
5 disability by taking advantage of a family or fiduciary  
6 relationship with the elderly or infirm person or person  
7 with a disability;

8 (24) the defendant committed any offense under Section  
9 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
10 of 2012 and possessed 100 or more images;

11 (25) the defendant committed the offense while the  
12 defendant or the victim was in a train, bus, or other  
13 vehicle used for public transportation;

14 (26) the defendant committed the offense of child  
15 pornography or aggravated child pornography, specifically  
16 including paragraph (1), (2), (3), (4), (5), or (7) of  
17 subsection (a) of Section 11-20.1 of the Criminal Code of  
18 1961 or the Criminal Code of 2012 where a child engaged in,  
19 solicited for, depicted in, or posed in any act of sexual  
20 penetration or bound, fettered, or subject to sadistic,  
21 masochistic, or sadomasochistic abuse in a sexual context  
22 and specifically including paragraph (1), (2), (3), (4),  
23 (5), or (7) of subsection (a) of Section 11-20.1B or  
24 Section 11-20.3 of the Criminal Code of 1961 where a child  
25 engaged in, solicited for, depicted in, or posed in any  
26 act of sexual penetration or bound, fettered, or subject

1 to sadistic, masochistic, or sadomasochistic abuse in a  
2 sexual context;

3 (27) the defendant committed the offense of first  
4 degree murder, assault, aggravated assault, battery,  
5 aggravated battery, robbery, armed robbery, or aggravated  
6 robbery against a person who was a veteran and the  
7 defendant knew, or reasonably should have known, that the  
8 person was a veteran performing duties as a representative  
9 of a veterans' organization. For the purposes of this  
10 paragraph (27), "veteran" means an Illinois resident who  
11 has served as a member of the United States Armed Forces, a  
12 member of the Illinois National Guard, or a member of the  
13 United States Reserve Forces; and "veterans' organization"  
14 means an organization comprised of members of which  
15 substantially all are individuals who are veterans or  
16 spouses, widows, or widowers of veterans, the primary  
17 purpose of which is to promote the welfare of its members  
18 and to provide assistance to the general public in such a  
19 way as to confer a public benefit;

20 (28) the defendant committed the offense of assault,  
21 aggravated assault, battery, aggravated battery, robbery,  
22 armed robbery, or aggravated robbery against a person that  
23 the defendant knew or reasonably should have known was a  
24 letter carrier or postal worker while that person was  
25 performing his or her duties delivering mail for the  
26 United States Postal Service;

1           (29) the defendant committed the offense of criminal  
2 sexual assault, aggravated criminal sexual assault,  
3 criminal sexual abuse, or aggravated criminal sexual abuse  
4 against a victim with an intellectual disability, and the  
5 defendant holds a position of trust, authority, or  
6 supervision in relation to the victim;

7           (30) the defendant committed the offense of promoting  
8 juvenile prostitution, patronizing a prostitute, or  
9 patronizing a minor engaged in prostitution and at the  
10 time of the commission of the offense knew that the  
11 prostitute or minor engaged in prostitution was in the  
12 custody or guardianship of the Department of Children and  
13 Family Services;

14           (31) the defendant (i) committed the offense of  
15 driving while under the influence of alcohol, other drug  
16 or drugs, intoxicating compound or compounds or any  
17 combination thereof in violation of Section 11-501 of the  
18 Illinois Vehicle Code or a similar provision of a local  
19 ordinance and (ii) the defendant during the commission of  
20 the offense was driving his or her vehicle upon a roadway  
21 designated for one-way traffic in the opposite direction  
22 of the direction indicated by official traffic control  
23 devices;

24           (32) the defendant committed the offense of reckless  
25 homicide while committing a violation of Section 11-907 of  
26 the Illinois Vehicle Code;

1           (33) the defendant was found guilty of an  
2 administrative infraction related to an act or acts of  
3 public indecency or sexual misconduct in the penal  
4 institution. In this paragraph (33), "penal institution"  
5 has the same meaning as in Section 2-14 of the Criminal  
6 Code of 2012; or

7           (34) the defendant committed the offense of leaving  
8 the scene of a crash ~~an accident~~ in violation of  
9 subsection (b) of Section 11-401 of the Illinois Vehicle  
10 Code and the crash ~~accident~~ resulted in the death of a  
11 person and at the time of the offense, the defendant was:  
12 (i) driving under the influence of alcohol, other drug or  
13 drugs, intoxicating compound or compounds or any  
14 combination thereof as defined by Section 11-501 of the  
15 Illinois Vehicle Code; or (ii) operating the motor vehicle  
16 while using an electronic communication device as defined  
17 in Section 12-610.2 of the Illinois Vehicle Code.

18 For the purposes of this Section:

19 "School" is defined as a public or private elementary or  
20 secondary school, community college, college, or university.

21 "Day care center" means a public or private State  
22 certified and licensed day care center as defined in Section  
23 2.09 of the Child Care Act of 1969 that displays a sign in  
24 plain view stating that the property is a day care center.

25 "Intellectual disability" means significantly subaverage  
26 intellectual functioning which exists concurrently with

1 impairment in adaptive behavior.

2 "Public transportation" means the transportation or  
3 conveyance of persons by means available to the general  
4 public, and includes paratransit services.

5 "Traffic control devices" means all signs, signals,  
6 markings, and devices that conform to the Illinois Manual on  
7 Uniform Traffic Control Devices, placed or erected by  
8 authority of a public body or official having jurisdiction,  
9 for the purpose of regulating, warning, or guiding traffic.

10 (b) The following factors, related to all felonies, may be  
11 considered by the court as reasons to impose an extended term  
12 sentence under Section 5-8-2 upon any offender:

13 (1) When a defendant is convicted of any felony, after  
14 having been previously convicted in Illinois or any other  
15 jurisdiction of the same or similar class felony or  
16 greater class felony, when such conviction has occurred  
17 within 10 years after the previous conviction, excluding  
18 time spent in custody, and such charges are separately  
19 brought and tried and arise out of different series of  
20 acts; or

21 (2) When a defendant is convicted of any felony and  
22 the court finds that the offense was accompanied by  
23 exceptionally brutal or heinous behavior indicative of  
24 wanton cruelty; or

25 (3) When a defendant is convicted of any felony  
26 committed against:

1 (i) a person under 12 years of age at the time of  
2 the offense or such person's property;

3 (ii) a person 60 years of age or older at the time  
4 of the offense or such person's property; or

5 (iii) a person who had a physical disability at  
6 the time of the offense or such person's property; or

7 (4) When a defendant is convicted of any felony and  
8 the offense involved any of the following types of  
9 specific misconduct committed as part of a ceremony, rite,  
10 initiation, observance, performance, practice or activity  
11 of any actual or ostensible religious, fraternal, or  
12 social group:

13 (i) the brutalizing or torturing of humans or  
14 animals;

15 (ii) the theft of human corpses;

16 (iii) the kidnapping of humans;

17 (iv) the desecration of any cemetery, religious,  
18 fraternal, business, governmental, educational, or  
19 other building or property; or

20 (v) ritualized abuse of a child; or

21 (5) When a defendant is convicted of a felony other  
22 than conspiracy and the court finds that the felony was  
23 committed under an agreement with 2 or more other persons  
24 to commit that offense and the defendant, with respect to  
25 the other individuals, occupied a position of organizer,  
26 supervisor, financier, or any other position of management



1 or leadership, and the court further finds that the felony  
2 committed was related to or in furtherance of the criminal  
3 activities of an organized gang or was motivated by the  
4 defendant's leadership in an organized gang; or

5 (6) When a defendant is convicted of an offense  
6 committed while using a firearm with a laser sight  
7 attached to it. For purposes of this paragraph, "laser  
8 sight" has the meaning ascribed to it in Section 26-7 of  
9 the Criminal Code of 2012; or

10 (7) When a defendant who was at least 17 years of age  
11 at the time of the commission of the offense is convicted  
12 of a felony and has been previously adjudicated a  
13 delinquent minor under the Juvenile Court Act of 1987 for  
14 an act that if committed by an adult would be a Class X or  
15 Class 1 felony when the conviction has occurred within 10  
16 years after the previous adjudication, excluding time  
17 spent in custody; or

18 (8) When a defendant commits any felony and the  
19 defendant used, possessed, exercised control over, or  
20 otherwise directed an animal to assault a law enforcement  
21 officer engaged in the execution of his or her official  
22 duties or in furtherance of the criminal activities of an  
23 organized gang in which the defendant is engaged; or

24 (9) When a defendant commits any felony and the  
25 defendant knowingly video or audio records the offense  
26 with the intent to disseminate the recording.

1           (c) The following factors may be considered by the court  
2 as reasons to impose an extended term sentence under Section  
3 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
4 offenses:

5           (1) When a defendant is convicted of first degree  
6 murder, after having been previously convicted in Illinois  
7 of any offense listed under paragraph (c)(2) of Section  
8 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
9 occurred within 10 years after the previous conviction,  
10 excluding time spent in custody, and the charges are  
11 separately brought and tried and arise out of different  
12 series of acts.

13           (1.5) When a defendant is convicted of first degree  
14 murder, after having been previously convicted of domestic  
15 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
16 (720 ILCS 5/12-3.3) committed on the same victim or after  
17 having been previously convicted of violation of an order  
18 of protection (720 ILCS 5/12-30) in which the same victim  
19 was the protected person.

20           (2) When a defendant is convicted of voluntary  
21 manslaughter, second degree murder, involuntary  
22 manslaughter, or reckless homicide in which the defendant  
23 has been convicted of causing the death of more than one  
24 individual.

25           (3) When a defendant is convicted of aggravated  
26 criminal sexual assault or criminal sexual assault, when

1           there is a finding that aggravated criminal sexual assault  
2           or criminal sexual assault was also committed on the same  
3           victim by one or more other individuals, and the defendant  
4           voluntarily participated in the crime with the knowledge  
5           of the participation of the others in the crime, and the  
6           commission of the crime was part of a single course of  
7           conduct during which there was no substantial change in  
8           the nature of the criminal objective.

9           (4) If the victim was under 18 years of age at the time  
10          of the commission of the offense, when a defendant is  
11          convicted of aggravated criminal sexual assault or  
12          predatory criminal sexual assault of a child under  
13          subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
14          of Section 12-14.1 of the Criminal Code of 1961 or the  
15          Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

16          (5) When a defendant is convicted of a felony  
17          violation of Section 24-1 of the Criminal Code of 1961 or  
18          the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
19          finding that the defendant is a member of an organized  
20          gang.

21          (6) When a defendant was convicted of unlawful use of  
22          weapons under Section 24-1 of the Criminal Code of 1961 or  
23          the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
24          a weapon that is not readily distinguishable as one of the  
25          weapons enumerated in Section 24-1 of the Criminal Code of  
26          1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

1           (7) When a defendant is convicted of an offense  
2 involving the illegal manufacture of a controlled  
3 substance under Section 401 of the Illinois Controlled  
4 Substances Act (720 ILCS 570/401), the illegal manufacture  
5 of methamphetamine under Section 25 of the Methamphetamine  
6 Control and Community Protection Act (720 ILCS 646/25), or  
7 the illegal possession of explosives and an emergency  
8 response officer in the performance of his or her duties  
9 is killed or injured at the scene of the offense while  
10 responding to the emergency caused by the commission of  
11 the offense. In this paragraph, "emergency" means a  
12 situation in which a person's life, health, or safety is  
13 in jeopardy; and "emergency response officer" means a  
14 peace officer, community policing volunteer, fireman,  
15 emergency medical technician-ambulance, emergency medical  
16 technician-intermediate, emergency medical  
17 technician-paramedic, ambulance driver, other medical  
18 assistance or first aid personnel, or hospital emergency  
19 room personnel.

20           (8) When the defendant is convicted of attempted mob  
21 action, solicitation to commit mob action, or conspiracy  
22 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
23 Criminal Code of 2012, where the criminal object is a  
24 violation of Section 25-1 of the Criminal Code of 2012,  
25 and an electronic communication is used in the commission  
26 of the offense. For the purposes of this paragraph (8),

1 "electronic communication" shall have the meaning provided  
2 in Section 26.5-0.1 of the Criminal Code of 2012.

3 (d) For the purposes of this Section, "organized gang" has  
4 the meaning ascribed to it in Section 10 of the Illinois  
5 Streetgang Terrorism Omnibus Prevention Act.

6 (e) The court may impose an extended term sentence under  
7 Article 4.5 of Chapter V upon an offender who has been  
8 convicted of a felony violation of Section 11-1.20, 11-1.30,  
9 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
10 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
11 when the victim of the offense is under 18 years of age at the  
12 time of the commission of the offense and, during the  
13 commission of the offense, the victim was under the influence  
14 of alcohol, regardless of whether or not the alcohol was  
15 supplied by the offender; and the offender, at the time of the  
16 commission of the offense, knew or should have known that the  
17 victim had consumed alcohol.

18 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;  
19 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.  
20 1-1-23; 102-558, eff. 8-20-21.)

21 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

22 Sec. 5-8-4. Concurrent and consecutive terms of  
23 imprisonment.

24 (a) Concurrent terms; multiple or additional sentences.  
25 When an Illinois court (i) imposes multiple sentences of

1 imprisonment on a defendant at the same time or (ii) imposes a  
2 sentence of imprisonment on a defendant who is already subject  
3 to a sentence of imprisonment imposed by an Illinois court, a  
4 court of another state, or a federal court, then the sentences  
5 shall run concurrently unless otherwise determined by the  
6 Illinois court under this Section.

7 (b) Concurrent terms; misdemeanor and felony. A defendant  
8 serving a sentence for a misdemeanor who is convicted of a  
9 felony and sentenced to imprisonment shall be transferred to  
10 the Department of Corrections, and the misdemeanor sentence  
11 shall be merged in and run concurrently with the felony  
12 sentence.

13 (c) Consecutive terms; permissive. The court may impose  
14 consecutive sentences in any of the following circumstances:

15 (1) If, having regard to the nature and circumstances  
16 of the offense and the history and character of the  
17 defendant, it is the opinion of the court that consecutive  
18 sentences are required to protect the public from further  
19 criminal conduct by the defendant, the basis for which the  
20 court shall set forth in the record.

21 (2) If one of the offenses for which a defendant was  
22 convicted was a violation of Section 32-5.2 (aggravated  
23 false personation of a peace officer) of the Criminal Code  
24 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
25 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
26 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the

1 offense was committed in attempting or committing a  
2 forcible felony.

3 (d) Consecutive terms; mandatory. The court shall impose  
4 consecutive sentences in each of the following circumstances:

5 (1) One of the offenses for which the defendant was  
6 convicted was first degree murder or a Class X or Class 1  
7 felony and the defendant inflicted severe bodily injury.

8 (2) The defendant was convicted of a violation of  
9 Section 11-1.20 or 12-13 (criminal sexual assault),  
10 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
11 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
12 child) of the Criminal Code of 1961 or the Criminal Code of  
13 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
14 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
15 5/12-14.1).

16 (2.5) The defendant was convicted of a violation of  
17 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
18 (a) of Section 11-20.1 (child pornography) or of paragraph  
19 (1), (2), (3), (4), (5), or (7) of subsection (a) of  
20 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
21 of the Criminal Code of 1961 or the Criminal Code of 2012;  
22 or the defendant was convicted of a violation of paragraph  
23 (6) of subsection (a) of Section 11-20.1 (child  
24 pornography) or of paragraph (6) of subsection (a) of  
25 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 when the child depicted is under the age of 13.

2 (3) The defendant was convicted of armed violence  
3 based upon the predicate offense of any of the following:  
4 solicitation of murder, solicitation of murder for hire,  
5 heinous battery as described in Section 12-4.1 or  
6 subdivision (a)(2) of Section 12-3.05, aggravated battery  
7 of a senior citizen as described in Section 12-4.6 or  
8 subdivision (a)(4) of Section 12-3.05, criminal sexual  
9 assault, a violation of subsection (g) of Section 5 of the  
10 Cannabis Control Act (720 ILCS 550/5), cannabis  
11 trafficking, a violation of subsection (a) of Section 401  
12 of the Illinois Controlled Substances Act (720 ILCS  
13 570/401), controlled substance trafficking involving a  
14 Class X felony amount of controlled substance under  
15 Section 401 of the Illinois Controlled Substances Act (720  
16 ILCS 570/401), a violation of the Methamphetamine Control  
17 and Community Protection Act (720 ILCS 646/), calculated  
18 criminal drug conspiracy, or streetgang criminal drug  
19 conspiracy.

20 (4) The defendant was convicted of the offense of  
21 leaving the scene of a motor vehicle crash ~~accident~~  
22 involving death or personal injuries under Section 11-401  
23 of the Illinois Vehicle Code (625 ILCS 5/11-401) and  
24 either: (A) aggravated driving under the influence of  
25 alcohol, other drug or drugs, or intoxicating compound or  
26 compounds, or any combination thereof under Section 11-501



1 of the Illinois Vehicle Code (625 ILCS 5/11-501), (B)  
2 reckless homicide under Section 9-3 of the Criminal Code  
3 of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-3), or  
4 (C) both an offense described in item (A) and an offense  
5 described in item (B).

6 (5) The defendant was convicted of a violation of  
7 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
8 death) or Section 12-20.5 (dismembering a human body) of  
9 the Criminal Code of 1961 or the Criminal Code of 2012 (720  
10 ILCS 5/9-3.1 or 5/12-20.5).

11 (5.5) The defendant was convicted of a violation of  
12 Section 24-3.7 (use of a stolen firearm in the commission  
13 of an offense) of the Criminal Code of 1961 or the Criminal  
14 Code of 2012.

15 (6) If the defendant was in the custody of the  
16 Department of Corrections at the time of the commission of  
17 the offense, the sentence shall be served consecutive to  
18 the sentence under which the defendant is held by the  
19 Department of Corrections. If, however, the defendant is  
20 sentenced to punishment by death, the sentence shall be  
21 executed at such time as the court may fix without regard  
22 to the sentence under which the defendant may be held by  
23 the Department.

24 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
25 for escape or attempted escape shall be served consecutive  
26 to the terms under which the offender is held by the

1 Department of Corrections.

2 (8) If a person charged with a felony commits a  
3 separate felony while on pretrial release or in pretrial  
4 detention in a county jail facility or county detention  
5 facility, then the sentences imposed upon conviction of  
6 these felonies shall be served consecutively regardless of  
7 the order in which the judgments of conviction are  
8 entered.

9 (8.5) If a person commits a battery against a county  
10 correctional officer or sheriff's employee while serving a  
11 sentence or in pretrial detention in a county jail  
12 facility, then the sentence imposed upon conviction of the  
13 battery shall be served consecutively with the sentence  
14 imposed upon conviction of the earlier misdemeanor or  
15 felony, regardless of the order in which the judgments of  
16 conviction are entered.

17 (9) If a person admitted to bail following conviction  
18 of a felony commits a separate felony while free on bond or  
19 if a person detained in a county jail facility or county  
20 detention facility following conviction of a felony  
21 commits a separate felony while in detention, then any  
22 sentence following conviction of the separate felony shall  
23 be consecutive to that of the original sentence for which  
24 the defendant was on bond or detained.

25 (10) If a person is found to be in possession of an  
26 item of contraband, as defined in Section 31A-0.1 of the

1 Criminal Code of 2012, while serving a sentence in a  
2 county jail or while in pre-trial detention in a county  
3 jail, the sentence imposed upon conviction for the offense  
4 of possessing contraband in a penal institution shall be  
5 served consecutively to the sentence imposed for the  
6 offense in which the person is serving sentence in the  
7 county jail or serving pretrial detention, regardless of  
8 the order in which the judgments of conviction are  
9 entered.

10 (11) If a person is sentenced for a violation of bail  
11 bond under Section 32-10 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012, any sentence imposed for that  
13 violation shall be served consecutive to the sentence  
14 imposed for the charge for which bail had been granted and  
15 with respect to which the defendant has been convicted.

16 (e) Consecutive terms; subsequent non-Illinois term. If an  
17 Illinois court has imposed a sentence of imprisonment on a  
18 defendant and the defendant is subsequently sentenced to a  
19 term of imprisonment by a court of another state or a federal  
20 court, then the Illinois sentence shall run consecutively to  
21 the sentence imposed by the court of the other state or the  
22 federal court. That same Illinois court, however, may order  
23 that the Illinois sentence run concurrently with the sentence  
24 imposed by the court of the other state or the federal court,  
25 but only if the defendant applies to that same Illinois court  
26 within 30 days after the sentence imposed by the court of the

1 other state or the federal court is finalized.

2 (f) Consecutive terms; aggregate maximums and minimums.  
3 The aggregate maximum and aggregate minimum of consecutive  
4 sentences shall be determined as follows:

5 (1) For sentences imposed under law in effect prior to  
6 February 1, 1978, the aggregate maximum of consecutive  
7 sentences shall not exceed the maximum term authorized  
8 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
9 Chapter V for the 2 most serious felonies involved. The  
10 aggregate minimum period of consecutive sentences shall  
11 not exceed the highest minimum term authorized under  
12 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
13 V for the 2 most serious felonies involved. When sentenced  
14 only for misdemeanors, a defendant shall not be  
15 consecutively sentenced to more than the maximum for one  
16 Class A misdemeanor.

17 (2) For sentences imposed under the law in effect on  
18 or after February 1, 1978, the aggregate of consecutive  
19 sentences for offenses that were committed as part of a  
20 single course of conduct during which there was no  
21 substantial change in the nature of the criminal objective  
22 shall not exceed the sum of the maximum terms authorized  
23 under Article 4.5 of Chapter V for the 2 most serious  
24 felonies involved, but no such limitation shall apply for  
25 offenses that were not committed as part of a single  
26 course of conduct during which there was no substantial

1 change in the nature of the criminal objective. When  
2 sentenced only for misdemeanors, a defendant shall not be  
3 consecutively sentenced to more than the maximum for one  
4 Class A misdemeanor.

5 (g) Consecutive terms; manner served. In determining the  
6 manner in which consecutive sentences of imprisonment, one or  
7 more of which is for a felony, will be served, the Department  
8 of Corrections shall treat the defendant as though he or she  
9 had been committed for a single term subject to each of the  
10 following:

11 (1) The maximum period of a term of imprisonment shall  
12 consist of the aggregate of the maximums of the imposed  
13 indeterminate terms, if any, plus the aggregate of the  
14 imposed determinate sentences for felonies, plus the  
15 aggregate of the imposed determinate sentences for  
16 misdemeanors, subject to subsection (f) of this Section.

17 (2) The parole or mandatory supervised release term  
18 shall be as provided in paragraph (e) of Section 5-4.5-50  
19 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
20 involved.

21 (3) The minimum period of imprisonment shall be the  
22 aggregate of the minimum and determinate periods of  
23 imprisonment imposed by the court, subject to subsection  
24 (f) of this Section.

25 (4) The defendant shall be awarded credit against the  
26 aggregate maximum term and the aggregate minimum term of

1 imprisonment for all time served in an institution since  
2 the commission of the offense or offenses and as a  
3 consequence thereof at the rate specified in Section 3-6-3  
4 (730 ILCS 5/3-6-3).

5 (h) Notwithstanding any other provisions of this Section,  
6 all sentences imposed by an Illinois court under this Code  
7 shall run concurrent to any and all sentences imposed under  
8 the Juvenile Court Act of 1987.

9 (Source: P.A. 102-350, eff. 8-13-21.)

10 Section 145. The Cannabis and Controlled Substances Tort  
11 Claims Act is amended by changing Section 2 as follows:

12 (740 ILCS 20/2) (from Ch. 70, par. 902)

13 Sec. 2. Findings and intent.

14 (a) The General Assembly finds that the abuse of cannabis  
15 and controlled substances:

16 (1) greatly increases incidents involving crimes of  
17 violence and threats of crimes of violence;

18 (2) causes death or severe and often irreversible  
19 injuries to newborn children;

20 (3) accounts for the commission of the majority of  
21 property crimes committed within this State;

22 (4) causes motor vehicle crashes and job-related, ~~job~~  
23 ~~related,~~ and numerous other types of accidents that  
24 frequently result in death or permanent injuries;

- 1 (5) contributes to the disintegration of the family;
- 2 (6) interferes with the duty of parents and legal  
3 guardians to provide for the physical, mental, and  
4 emotional well-being of their unemancipated children and  
5 with the rights of parents and legal guardians to raise  
6 the children free from the physical, mental, and emotional  
7 trauma that is caused by the abuse of cannabis and  
8 controlled substances;
- 9 (7) encourages and fosters the growth of urban gangs  
10 engaged in violent and nonviolent crime;
- 11 (8) furthers the interests of elements of organized  
12 criminals;
- 13 (9) increases the dropout, truancy, and failure rates  
14 of children attending schools within this State;
- 15 (10) stifles educational opportunities for both drug  
16 users and nonusers;
- 17 (11) contributes to the unemployment rate within this  
18 State;
- 19 (12) reduces the productivity of employees, retards  
20 competitiveness within the established business community,  
21 and hinders the formation and growth of new businesses;
- 22 (13) reduces the value of real property;
- 23 (14) costs the citizens of this State billions of  
24 dollars in federal, State, and local taxes for increased  
25 costs for law enforcement, welfare, and education;
- 26 (15) costs the citizens of this State billions of

1 dollars in increased costs for consumer goods and  
2 services, insurance premiums, and medical treatment;

3 (16) hinders citizens from freely using public parks,  
4 streets, schools, forest preserves, playgrounds, and other  
5 public areas; and

6 (17) contributes to a lower quality of life and  
7 standard of living for the citizens of this State.

8 (b) The General Assembly finds that, in light of the  
9 findings made in subsection (a), any violation of the Cannabis  
10 Control Act, the Methamphetamine Control and Community  
11 Protection Act, or the Illinois Controlled Substances Act that  
12 involves the nonconsensual use of the real or personal  
13 property of another person, whether that person is an  
14 individual or a governmental or private entity representing a  
15 collection of individuals, is so injurious to the property  
16 interests and the well-being of that person that the violation  
17 gives rise to a cause of action sounding in tort. The General  
18 Assembly also finds that the delivery of a controlled  
19 substance or cannabis in violation of the Illinois Controlled  
20 Substances Act, the Methamphetamine Control and Community  
21 Protection Act, or the Cannabis Control Act to an  
22 unemancipated minor under the age of 18 is so injurious to the  
23 rights and duties of parents and legal guardians relating to  
24 the physical, mental, and emotional well-being of that minor  
25 that the violation also gives rise to a cause of action  
26 sounding in tort. The General Assembly further finds that



1 although the damage a person suffers through the nonconsensual  
2 use of his property to facilitate such a violation or the  
3 damage a parent or legal guardian suffers as the result of the  
4 delivery to the minor of cannabis or a substance in violation  
5 of the Cannabis Control Act, the Methamphetamine Control and  
6 Community Protection Act, or the Illinois Controlled  
7 Substances Act is often subtle and incapable of precise  
8 articulation, that damage is nonetheless real and substantial.  
9 It is therefore the intent of the General Assembly to create a  
10 cause of action with statutorily prescribed damages for the  
11 conduct described in this Act.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 Section 150. The Crime Victims Compensation Act is amended  
14 by changing Section 2 as follows:

15 (740 ILCS 45/2) (from Ch. 70, par. 72)

16 Sec. 2. Definitions. As used in this Act, unless the  
17 context otherwise requires:

18 (a) "Applicant" means any person who applies for  
19 compensation under this Act or any person the Court of Claims  
20 or the Attorney General finds is entitled to compensation,  
21 including the guardian of a minor or of a person under legal  
22 disability. It includes any person who was a dependent of a  
23 deceased victim of a crime of violence for his or her support  
24 at the time of the death of that victim.

1           The changes made to this subsection by this amendatory Act  
2 of the 101st General Assembly apply to actions commenced or  
3 pending on or after January 1, 2022.

4           (b) "Court of Claims" means the Court of Claims created by  
5 the Court of Claims Act.

6           (c) "Crime of violence" means and includes any offense  
7 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,  
8 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
9 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,  
10 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,  
11 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,  
12 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,  
13 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or  
14 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of  
15 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of  
16 the Cemetery Protection Act, Section 125 of the Stalking No  
17 Contact Order Act, Section 219 of the Civil No Contact Order  
18 Act, driving under the influence as defined in Section 11-501  
19 of the Illinois Vehicle Code, a violation of Section 11-401 of  
20 the Illinois Vehicle Code, provided the victim was a  
21 pedestrian or was operating a vehicle moved solely by human  
22 power or a mobility device at the time of contact, and a  
23 violation of Section 11-204.1 of the Illinois Vehicle Code; so  
24 long as the offense did not occur during a civil riot,  
25 insurrection or rebellion. "Crime of violence" does not  
26 include any other offense or crash ~~accident~~ involving a motor

1 vehicle except those vehicle offenses specifically provided  
2 for in this paragraph. "Crime of violence" does include all of  
3 the offenses specifically provided for in this paragraph that  
4 occur within this State but are subject to federal  
5 jurisdiction and crimes involving terrorism as defined in 18  
6 U.S.C. 2331.

7 (d) "Victim" means (1) a person killed or injured in this  
8 State as a result of a crime of violence perpetrated or  
9 attempted against him or her, (2) the spouse, parent, or child  
10 of a person killed or injured in this State as a result of a  
11 crime of violence perpetrated or attempted against the person,  
12 or anyone living in the household of a person killed or injured  
13 in a relationship that is substantially similar to that of a  
14 parent, spouse, or child, (3) a person killed or injured in  
15 this State while attempting to assist a person against whom a  
16 crime of violence is being perpetrated or attempted, if that  
17 attempt of assistance would be expected of a reasonable person  
18 under the circumstances, (4) a person killed or injured in  
19 this State while assisting a law enforcement official  
20 apprehend a person who has perpetrated a crime of violence or  
21 prevent the perpetration of any such crime if that assistance  
22 was in response to the express request of the law enforcement  
23 official, (5) a person who personally witnessed a violent  
24 crime, (5.05) a person who will be called as a witness by the  
25 prosecution to establish a necessary nexus between the  
26 offender and the violent crime, (5.1) solely for the purpose

1 of compensating for pecuniary loss incurred for psychological  
2 treatment of a mental or emotional condition caused or  
3 aggravated by the crime, any other person under the age of 18  
4 who is the brother, sister, half brother, or half sister of a  
5 person killed or injured in this State as a result of a crime  
6 of violence, (6) an Illinois resident who is a victim of a  
7 "crime of violence" as defined in this Act except, if the crime  
8 occurred outside this State, the resident has the same rights  
9 under this Act as if the crime had occurred in this State upon  
10 a showing that the state, territory, country, or political  
11 subdivision of a country in which the crime occurred does not  
12 have a compensation of victims of crimes law for which that  
13 Illinois resident is eligible, (7) a deceased person whose  
14 body is dismembered or whose remains are desecrated as the  
15 result of a crime of violence, or (8) solely for the purpose of  
16 compensating for pecuniary loss incurred for psychological  
17 treatment of a mental or emotional condition caused or  
18 aggravated by the crime, any parent, spouse, or child under  
19 the age of 18 of a deceased person whose body is dismembered or  
20 whose remains are desecrated as the result of a crime of  
21 violence.

22 (e) "Dependent" means a relative of a deceased victim who  
23 was wholly or partially dependent upon the victim's income at  
24 the time of his or her death and shall include the child of a  
25 victim born after his or her death.

26 (f) "Relative" means a spouse, parent, grandparent,

1 stepfather, stepmother, child, grandchild, brother,  
2 brother-in-law, sister, sister-in-law, half brother, half  
3 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone  
4 living in the household of a person killed or injured in a  
5 relationship that is substantially similar to that of a  
6 parent, spouse, or child.

7 (g) "Child" means a son or daughter and includes a  
8 stepchild, an adopted child or a child born out of wedlock.

9 (h) "Pecuniary loss" means, in the case of injury,  
10 appropriate medical expenses and hospital expenses including  
11 expenses of medical examinations, rehabilitation, medically  
12 required nursing care expenses, appropriate psychiatric care  
13 or psychiatric counseling expenses, appropriate expenses for  
14 care or counseling by a licensed clinical psychologist,  
15 licensed clinical social worker, licensed professional  
16 counselor, or licensed clinical professional counselor and  
17 expenses for treatment by Christian Science practitioners and  
18 nursing care appropriate thereto; transportation expenses to  
19 and from medical and counseling treatment facilities;  
20 prosthetic appliances, eyeglasses, and hearing aids necessary  
21 or damaged as a result of the crime; costs associated with  
22 trafficking tattoo removal by a person authorized or licensed  
23 to perform the specific removal procedure; replacement costs  
24 for clothing and bedding used as evidence; costs associated  
25 with temporary lodging or relocation necessary as a result of  
26 the crime, including, but not limited to, the first month's

1 rent and security deposit of the dwelling that the claimant  
2 relocated to and other reasonable relocation expenses incurred  
3 as a result of the violent crime; locks or windows necessary or  
4 damaged as a result of the crime; the purchase, lease, or  
5 rental of equipment necessary to create usability of and  
6 accessibility to the victim's real and personal property, or  
7 the real and personal property which is used by the victim,  
8 necessary as a result of the crime; the costs of appropriate  
9 crime scene clean-up; replacement services loss, to a maximum  
10 of \$1,250 per month; dependents replacement services loss, to  
11 a maximum of \$1,250 per month; loss of tuition paid to attend  
12 grammar school or high school when the victim had been  
13 enrolled as a student prior to the injury, or college or  
14 graduate school when the victim had been enrolled as a day or  
15 night student prior to the injury when the victim becomes  
16 unable to continue attendance at school as a result of the  
17 crime of violence perpetrated against him or her; loss of  
18 earnings, loss of future earnings because of disability  
19 resulting from the injury, and, in addition, in the case of  
20 death, expenses for funeral, burial, and travel and transport  
21 for survivors of homicide victims to secure bodies of deceased  
22 victims and to transport bodies for burial all of which may be  
23 awarded up to a maximum of \$10,000 and loss of support of the  
24 dependents of the victim; in the case of dismemberment or  
25 desecration of a body, expenses for funeral and burial, all of  
26 which may be awarded up to a maximum of \$10,000. Loss of future

1 earnings shall be reduced by any income from substitute work  
2 actually performed by the victim or by income he or she would  
3 have earned in available appropriate substitute work he or she  
4 was capable of performing but unreasonably failed to  
5 undertake. Loss of earnings, loss of future earnings and loss  
6 of support shall be determined on the basis of the victim's  
7 average net monthly earnings for the 6 months immediately  
8 preceding the date of the injury or on \$2,400 per month,  
9 whichever is less or, in cases where the absences commenced  
10 more than 3 years from the date of the crime, on the basis of  
11 the net monthly earnings for the 6 months immediately  
12 preceding the date of the first absence, not to exceed \$2,400  
13 per month. If a divorced or legally separated applicant is  
14 claiming loss of support for a minor child of the deceased, the  
15 amount of support for each child shall be based either on the  
16 amount of support pursuant to the judgment prior to the date of  
17 the deceased victim's injury or death, or, if the subject of  
18 pending litigation filed by or on behalf of the divorced or  
19 legally separated applicant prior to the injury or death, on  
20 the result of that litigation. Real and personal property  
21 includes, but is not limited to, vehicles, houses, apartments,  
22 town houses, or condominiums. Pecuniary loss does not include  
23 pain and suffering or property loss or damage.

24 The changes made to this subsection by this amendatory Act  
25 of the 101st General Assembly apply to actions commenced or  
26 pending on or after January 1, 2022.

1 (i) "Replacement services loss" means expenses reasonably  
2 incurred in obtaining ordinary and necessary services in lieu  
3 of those the injured person would have performed, not for  
4 income, but for the benefit of himself or herself or his or her  
5 family, if he or she had not been injured.

6 (j) "Dependents replacement services loss" means loss  
7 reasonably incurred by dependents or private legal guardians  
8 of minor dependents after a victim's death in obtaining  
9 ordinary and necessary services in lieu of those the victim  
10 would have performed, not for income, but for their benefit,  
11 if he or she had not been fatally injured.

12 (k) "Survivor" means immediate family including a parent,  
13 stepfather, stepmother, child, brother, sister, or spouse.

14 (l) "Parent" means a natural parent, adopted parent,  
15 stepparent, or permanent legal guardian of another person.

16 (m) "Trafficking tattoo" is a tattoo which is applied to a  
17 victim in connection with the commission of a violation of  
18 Section 10-9 of the Criminal Code of 2012.

19 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;  
20 102-27, eff. 6-25-21.)

21 Section 155. The Automotive Collision Repair Act is  
22 amended by changing Sections 10 and 30 as follows:

23 (815 ILCS 308/10)

24 Sec. 10. Definitions. As used in this Act:



1 "Automotive collision and body repair" means all repairs  
2 that are commonly performed by a body repair technician to  
3 restore a motor vehicle damaged in a crash ~~an accident~~ or  
4 collision to a condition similar to the motor vehicle  
5 condition prior to the damage or deterioration including, but  
6 not limited to, the diagnosis, installation, exchange, repair,  
7 or refinishing of exterior body panels, trim, lighting, and  
8 structural chassis. The term does not include commercial fleet  
9 repair or maintenance transactions involving 2 or more motor  
10 vehicles or ongoing service or maintenance contracts involving  
11 motor vehicles used primarily for business purposes.

12 "Automotive collision and body repair facility" means a  
13 person, firm, association, or corporation that for  
14 compensation engages in the business of cosmetic repair,  
15 structural repair, or refinishing of motor vehicles with  
16 defect related to crash ~~accident~~ or collision.

17 "New part" means a part or component manufactured or  
18 supplied by the original motor vehicle manufacturer in an  
19 unused condition.

20 "Used part" means an original motor vehicle manufacturer  
21 part or component removed from a motor vehicle of similar  
22 make, model, and condition without the benefit of being  
23 rebuilt or remanufactured.

24 "Rebuilt part" or "reconditioned part" means a used part  
25 that has been inspected and remanufactured to restore  
26 functionality and performance.

1 "Aftermarket part" means a new part that is not  
2 manufactured or supplied by the original motor vehicle  
3 manufacturer for addition to, or replacement of, exterior body  
4 panel or trim.

5 (Source: P.A. 93-565, eff. 1-1-04.)

6 (815 ILCS 308/30)

7 Sec. 30. Consumers authorizations of repairs or other  
8 actions. After receiving the estimate, the owner or the  
9 owner's agent may (i) authorize the repairs at the estimate of  
10 cost and time in writing, or (ii) request the return of the  
11 motor vehicle in a disassembled state. If the consumer elects  
12 the return of the motor vehicle in a disassembled or partially  
13 repaired state, the consumer may also request the return of  
14 all parts that were removed during disassembly or repair with  
15 the exception of parts that were damaged in a crash ~~an accident~~  
16 or collision to the extent that retention by the collision  
17 repair facility was not feasible. The collision repair  
18 facility shall make the motor vehicle available for possession  
19 within 3 working days after the time of request. The collision  
20 repair facility may receive payment for only those items on  
21 the schedule of charges to which the facility is entitled.

22 (Source: P.A. 93-565, eff. 1-1-04.)

23 Section 995. No acceleration or delay. Where this Act  
24 makes changes in a statute that is represented in this Act by

1 text that is not yet or no longer in effect (for example, a  
2 Section represented by multiple versions), the use of that  
3 text does not accelerate or delay the taking effect of (i) the  
4 changes made by this Act or (ii) provisions derived from any  
5 other Public Act.

6 Section 999. Effective date. This Act takes effect July 1,  
7 2023.

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