



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3007

Introduced 1/5/2022, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206	
625 ILCS 5/6-401	from Ch. 95 1/2, par. 6-401
625 ILCS 5/6-508.1	
625 ILCS 5/6-514	from Ch. 95 1/2, par. 6-514
625 ILCS 5/6-524	from Ch. 95 1/2, par. 6-524
755 ILCS 5/11a-12	from Ch. 110 1/2, par. 11a-12

Amends the Illinois Vehicle Code. Provides that the Secretary of State is authorized to suspend or revoke the driving privileges of any person without a preliminary hearing upon a showing of the person's records or other sufficient evidence that the person has committed an out-of-State offense similar to the Illinois prohibition on the unlawful use of a license, has possessed cannabis while under 21 years of age, or has provided false information about his or her age to a cannabis establishment. Provides that driver rehabilitation specialists or programs are permitted to give driving instruction without being issued a license, except when the client of the specialist or program has never held a driver's license. Changes the implementation date concerning changes to the Secretary of State's requirements regarding the posting of certain information to the Commercial Driver's License Information System from June 22, 2021 to June 23, 2025. Provides that an individual shall be disqualified from operating a commercial motor vehicle for life if that individual uses a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of human trafficking. Amends the Probate Act of 1975. Provides requirements concerning probate court notifications to the Secretary of State in limited and plenary guardianship cases.

LRB102 21907 RAM 31028 b

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-206, 6-401, 6-508.1, 6-514, and 6-524 as
6 follows:

7 (625 ILCS 5/6-206)

8 Sec. 6-206. Discretionary authority to suspend or revoke
9 license or permit; right to a hearing.

10 (a) The Secretary of State is authorized to suspend or
11 revoke the driving privileges of any person without
12 preliminary hearing upon a showing of the person's records or
13 other sufficient evidence that the person:

14 1. Has committed an offense for which mandatory
15 revocation of a driver's license or permit is required
16 upon conviction;

17 2. Has been convicted of not less than 3 offenses
18 against traffic regulations governing the movement of
19 vehicles committed within any 12-month period. No
20 revocation or suspension shall be entered more than 6
21 months after the date of last conviction;

22 3. Has been repeatedly involved as a driver in motor
23 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

7 4. Has by the unlawful operation of a motor vehicle
8 caused or contributed to an accident resulting in injury
9 requiring immediate professional treatment in a medical
10 facility or doctor's office to any person, except that any
11 suspension or revocation imposed by the Secretary of State
12 under the provisions of this subsection shall start no
13 later than 6 months after being convicted of violating a
14 law or ordinance regulating the movement of traffic, which
15 violation is related to the accident, or shall start not
16 more than one year after the date of the accident,
17 whichever date occurs later;

18 5. Has permitted an unlawful or fraudulent use of a
19 driver's license, identification card, or permit;

20 6. Has been lawfully convicted of an offense or
21 offenses in another state, including the authorization
22 contained in Section 6-203.1, which if committed within
23 this State would be grounds for suspension or revocation;

24 7. Has refused or failed to submit to an examination
25 provided for by Section 6-207 or has failed to pass the
26 examination;

1 8. Is ineligible for a driver's license or permit
2 under the provisions of Section 6-103;

3 9. Has made a false statement or knowingly concealed a
4 material fact or has used false information or
5 identification in any application for a license,
6 identification card, or permit;

7 10. Has possessed, displayed, or attempted to
8 fraudulently use any license, identification card, or
9 permit not issued to the person;

10 11. Has operated a motor vehicle upon a highway of
11 this State when the person's driving privilege or
12 privilege to obtain a driver's license or permit was
13 revoked or suspended unless the operation was authorized
14 by a monitoring device driving permit, judicial driving
15 permit issued prior to January 1, 2009, probationary
16 license to drive, or restricted driving permit issued
17 under this Code;

18 12. Has submitted to any portion of the application
19 process for another person or has obtained the services of
20 another person to submit to any portion of the application
21 process for the purpose of obtaining a license,
22 identification card, or permit for some other person;

23 13. Has operated a motor vehicle upon a highway of
24 this State when the person's driver's license or permit
25 was invalid under the provisions of Sections 6-107.1 and
26 6-110;

1 14. Has committed a violation of Section 6-301,
2 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
3 14B of the Illinois Identification Card Act or a similar
4 offense in another state if, at the time of the offense,
5 the person held an Illinois driver's license or
6 identification card;

7 15. Has been convicted of violating Section 21-2 of
8 the Criminal Code of 1961 or the Criminal Code of 2012
9 relating to criminal trespass to vehicles if the person
10 exercised actual physical control over the vehicle during
11 the commission of the offense, in which case the
12 suspension shall be for one year;

13 16. Has been convicted of violating Section 11-204 of
14 this Code relating to fleeing from a peace officer;

15 17. Has refused to submit to a test, or tests, as
16 required under Section 11-501.1 of this Code and the
17 person has not sought a hearing as provided for in Section
18 11-501.1;

19 18. (Blank);

20 19. Has committed a violation of paragraph (a) or (b)
21 of Section 6-101 relating to driving without a driver's
22 license;

23 20. Has been convicted of violating Section 6-104
24 relating to classification of driver's license;

25 21. Has been convicted of violating Section 11-402 of
26 this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in
2 which case the suspension shall be for one year;

3 22. Has used a motor vehicle in violating paragraph
4 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
5 the Criminal Code of 1961 or the Criminal Code of 2012
6 relating to unlawful use of weapons, in which case the
7 suspension shall be for one year;

8 23. Has, as a driver, been convicted of committing a
9 violation of paragraph (a) of Section 11-502 of this Code
10 for a second or subsequent time within one year of a
11 similar violation;

12 24. Has been convicted by a court-martial or punished
13 by non-judicial punishment by military authorities of the
14 United States at a military installation in Illinois or in
15 another state of or for a traffic-related offense that is
16 the same as or similar to an offense specified under
17 Section 6-205 or 6-206 of this Code;

18 25. Has permitted any form of identification to be
19 used by another in the application process in order to
20 obtain or attempt to obtain a license, identification
21 card, or permit;

22 26. Has altered or attempted to alter a license or has
23 possessed an altered license, identification card, or
24 permit;

25 27. (Blank);

26 28. Has been convicted for a first time of the illegal

1 possession, while operating or in actual physical control,
2 as a driver, of a motor vehicle, of any controlled
3 substance prohibited under the Illinois Controlled
4 Substances Act, any cannabis prohibited under the Cannabis
5 Control Act, or any methamphetamine prohibited under the
6 Methamphetamine Control and Community Protection Act, in
7 which case the person's driving privileges shall be
8 suspended for one year. Any defendant found guilty of this
9 offense while operating a motor vehicle shall have an
10 entry made in the court record by the presiding judge that
11 this offense did occur while the defendant was operating a
12 motor vehicle and order the clerk of the court to report
13 the violation to the Secretary of State;

14 29. Has been convicted of the following offenses that
15 were committed while the person was operating or in actual
16 physical control, as a driver, of a motor vehicle:
17 criminal sexual assault, predatory criminal sexual assault
18 of a child, aggravated criminal sexual assault, criminal
19 sexual abuse, aggravated criminal sexual abuse, juvenile
20 pimping, soliciting for a juvenile prostitute, promoting
21 juvenile prostitution as described in subdivision (a)(1),
22 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code
23 of 1961 or the Criminal Code of 2012, and the manufacture,
24 sale or delivery of controlled substances or instruments
25 used for illegal drug use or abuse in which case the
26 driver's driving privileges shall be suspended for one

1 year;

2 30. Has been convicted a second or subsequent time for
3 any combination of the offenses named in paragraph 29 of
4 this subsection, in which case the person's driving
5 privileges shall be suspended for 5 years;

6 31. Has refused to submit to a test as required by
7 Section 11-501.6 of this Code or Section 5-16c of the Boat
8 Registration and Safety Act or has submitted to a test
9 resulting in an alcohol concentration of 0.08 or more or
10 any amount of a drug, substance, or compound resulting
11 from the unlawful use or consumption of cannabis as listed
12 in the Cannabis Control Act, a controlled substance as
13 listed in the Illinois Controlled Substances Act, an
14 intoxicating compound as listed in the Use of Intoxicating
15 Compounds Act, or methamphetamine as listed in the
16 Methamphetamine Control and Community Protection Act, in
17 which case the penalty shall be as prescribed in Section
18 6-208.1;

19 32. Has been convicted of Section 24-1.2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012
21 relating to the aggravated discharge of a firearm if the
22 offender was located in a motor vehicle at the time the
23 firearm was discharged, in which case the suspension shall
24 be for 3 years;

25 33. Has as a driver, who was less than 21 years of age
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this
2 Code or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5 of
4 this Code or a similar provision of a local ordinance;

5 35. Has committed a violation of Section 11-1301.6 of
6 this Code or a similar provision of a local ordinance;

7 36. Is under the age of 21 years at the time of arrest
8 and has been convicted of not less than 2 offenses against
9 traffic regulations governing the movement of vehicles
10 committed within any 24-month period. No revocation or
11 suspension shall be entered more than 6 months after the
12 date of last conviction;

13 37. Has committed a violation of subsection (c) of
14 Section 11-907 of this Code that resulted in damage to the
15 property of another or the death or injury of another;

16 38. Has been convicted of a violation of Section 6-20
17 of the Liquor Control Act of 1934 or a similar provision of
18 a local ordinance and the person was an occupant of a motor
19 vehicle at the time of the violation;

20 39. Has committed a second or subsequent violation of
21 Section 11-1201 of this Code;

22 40. Has committed a violation of subsection (a-1) of
23 Section 11-908 of this Code;

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code, a similar provision of a
26 local ordinance, or a similar violation in any other state

1 within 2 years of the date of the previous violation, in
2 which case the suspension shall be for 90 days;

3 42. Has committed a violation of subsection (a-1) of
4 Section 11-1301.3 of this Code or a similar provision of a
5 local ordinance;

6 43. Has received a disposition of court supervision
7 for a violation of subsection (a), (d), or (e) of Section
8 6-20 of the Liquor Control Act of 1934 or a similar
9 provision of a local ordinance and the person was an
10 occupant of a motor vehicle at the time of the violation,
11 in which case the suspension shall be for a period of 3
12 months;

13 44. Is under the age of 21 years at the time of arrest
14 and has been convicted of an offense against traffic
15 regulations governing the movement of vehicles after
16 having previously had his or her driving privileges
17 suspended or revoked pursuant to subparagraph 36 of this
18 Section;

19 45. Has, in connection with or during the course of a
20 formal hearing conducted under Section 2-118 of this Code:
21 (i) committed perjury; (ii) submitted fraudulent or
22 falsified documents; (iii) submitted documents that have
23 been materially altered; or (iv) submitted, as his or her
24 own, documents that were in fact prepared or composed for
25 another person;

26 46. Has committed a violation of subsection (j) of

1 Section 3-413 of this Code;

2 47. Has committed a violation of subsection (a) of
3 Section 11-502.1 of this Code;

4 48. Has submitted a falsified or altered medical
5 examiner's certificate to the Secretary of State or
6 provided false information to obtain a medical examiner's
7 certificate;

8 49. Has been convicted of a violation of Section
9 11-1002 or 11-1002.5 that resulted in a Type A injury to
10 another, in which case the driving privileges of the
11 person shall be suspended for 12 months; ~~or~~

12 50. Has committed a violation of subsection (b-5) of
13 Section 12-610.2 that resulted in great bodily harm,
14 permanent disability, or disfigurement, in which case the
15 driving privileges of the person shall be suspended for 12
16 months; ~~or 50~~

17 51. Has committed a violation of Section 10-15 Of the
18 Cannabis Regulation and Tax Act or a similar provision of
19 a local ordinance while in a motor vehicle; or

20 52. Has committed a violation of subsection (b) of
21 Section 10-20 of the Cannabis Regulation and Tax Act or a
22 similar provision of a local ordinance.

23 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
24 and 27 of this subsection, license means any driver's license,
25 any traffic ticket issued when the person's driver's license
26 is deposited in lieu of bail, a suspension notice issued by the

1 Secretary of State, a duplicate or corrected driver's license,
2 a probationary driver's license, or a temporary driver's
3 license.

4 (b) If any conviction forming the basis of a suspension or
5 revocation authorized under this Section is appealed, the
6 Secretary of State may rescind or withhold the entry of the
7 order of suspension or revocation, as the case may be,
8 provided that a certified copy of a stay order of a court is
9 filed with the Secretary of State. If the conviction is
10 affirmed on appeal, the date of the conviction shall relate
11 back to the time the original judgment of conviction was
12 entered and the 6-month limitation prescribed shall not apply.

13 (c) 1. Upon suspending or revoking the driver's license or
14 permit of any person as authorized in this Section, the
15 Secretary of State shall immediately notify the person in
16 writing of the revocation or suspension. The notice to be
17 deposited in the United States mail, postage prepaid, to the
18 last known address of the person.

19 2. If the Secretary of State suspends the driver's license
20 of a person under subsection 2 of paragraph (a) of this
21 Section, a person's privilege to operate a vehicle as an
22 occupation shall not be suspended, provided an affidavit is
23 properly completed, the appropriate fee received, and a permit
24 issued prior to the effective date of the suspension, unless 5
25 offenses were committed, at least 2 of which occurred while
26 operating a commercial vehicle in connection with the driver's

1 regular occupation. All other driving privileges shall be
2 suspended by the Secretary of State. Any driver prior to
3 operating a vehicle for occupational purposes only must submit
4 the affidavit on forms to be provided by the Secretary of State
5 setting forth the facts of the person's occupation. The
6 affidavit shall also state the number of offenses committed
7 while operating a vehicle in connection with the driver's
8 regular occupation. The affidavit shall be accompanied by the
9 driver's license. Upon receipt of a properly completed
10 affidavit, the Secretary of State shall issue the driver a
11 permit to operate a vehicle in connection with the driver's
12 regular occupation only. Unless the permit is issued by the
13 Secretary of State prior to the date of suspension, the
14 privilege to drive any motor vehicle shall be suspended as set
15 forth in the notice that was mailed under this Section. If an
16 affidavit is received subsequent to the effective date of this
17 suspension, a permit may be issued for the remainder of the
18 suspension period.

19 The provisions of this subparagraph shall not apply to any
20 driver required to possess a CDL for the purpose of operating a
21 commercial motor vehicle.

22 Any person who falsely states any fact in the affidavit
23 required herein shall be guilty of perjury under Section 6-302
24 and upon conviction thereof shall have all driving privileges
25 revoked without further rights.

26 3. At the conclusion of a hearing under Section 2-118 of

1 this Code, the Secretary of State shall either rescind or
2 continue an order of revocation or shall substitute an order
3 of suspension; or, good cause appearing therefor, rescind,
4 continue, change, or extend the order of suspension. If the
5 Secretary of State does not rescind the order, the Secretary
6 may upon application, to relieve undue hardship (as defined by
7 the rules of the Secretary of State), issue a restricted
8 driving permit granting the privilege of driving a motor
9 vehicle between the petitioner's residence and petitioner's
10 place of employment or within the scope of the petitioner's
11 employment-related duties, or to allow the petitioner to
12 transport himself or herself, or a family member of the
13 petitioner's household to a medical facility, to receive
14 necessary medical care, to allow the petitioner to transport
15 himself or herself to and from alcohol or drug remedial or
16 rehabilitative activity recommended by a licensed service
17 provider, or to allow the petitioner to transport himself or
18 herself or a family member of the petitioner's household to
19 classes, as a student, at an accredited educational
20 institution, or to allow the petitioner to transport children,
21 elderly persons, or persons with disabilities who do not hold
22 driving privileges and are living in the petitioner's
23 household to and from daycare. The petitioner must demonstrate
24 that no alternative means of transportation is reasonably
25 available and that the petitioner will not endanger the public
26 safety or welfare.

1 (A) If a person's license or permit is revoked or
2 suspended due to 2 or more convictions of violating
3 Section 11-501 of this Code or a similar provision of a
4 local ordinance or a similar out-of-state offense, or
5 Section 9-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, where the use of alcohol or other drugs is
7 recited as an element of the offense, or a similar
8 out-of-state offense, or a combination of these offenses,
9 arising out of separate occurrences, that person, if
10 issued a restricted driving permit, may not operate a
11 vehicle unless it has been equipped with an ignition
12 interlock device as defined in Section 1-129.1.

13 (B) If a person's license or permit is revoked or
14 suspended 2 or more times due to any combination of:

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a local
17 ordinance or a similar out-of-state offense or Section
18 9-3 of the Criminal Code of 1961 or the Criminal Code
19 of 2012, where the use of alcohol or other drugs is
20 recited as an element of the offense, or a similar
21 out-of-state offense; or

22 (ii) a statutory summary suspension or revocation
23 under Section 11-501.1; or

24 (iii) a suspension under Section 6-203.1;
25 arising out of separate occurrences; that person, if
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

3 (B-5) If a person's license or permit is revoked or
4 suspended due to a conviction for a violation of
5 subparagraph (C) or (F) of paragraph (1) of subsection (d)
6 of Section 11-501 of this Code, or a similar provision of a
7 local ordinance or similar out-of-state offense, that
8 person, if issued a restricted driving permit, may not
9 operate a vehicle unless it has been equipped with an
10 ignition interlock device as defined in Section 1-129.1.

11 (C) The person issued a permit conditioned upon the
12 use of an ignition interlock device must pay to the
13 Secretary of State DUI Administration Fund an amount not
14 to exceed \$30 per month. The Secretary shall establish by
15 rule the amount and the procedures, terms, and conditions
16 relating to these fees.

17 (D) If the restricted driving permit is issued for
18 employment purposes, then the prohibition against
19 operating a motor vehicle that is not equipped with an
20 ignition interlock device does not apply to the operation
21 of an occupational vehicle owned or leased by that
22 person's employer when used solely for employment
23 purposes. For any person who, within a 5-year period, is
24 convicted of a second or subsequent offense under Section
25 11-501 of this Code, or a similar provision of a local
26 ordinance or similar out-of-state offense, this employment

1 exemption does not apply until either a one-year period
2 has elapsed during which that person had his or her
3 driving privileges revoked or a one-year period has
4 elapsed during which that person had a restricted driving
5 permit which required the use of an ignition interlock
6 device on every motor vehicle owned or operated by that
7 person.

8 (E) In each case the Secretary may issue a restricted
9 driving permit for a period deemed appropriate, except
10 that all permits shall expire no later than 2 years from
11 the date of issuance. A restricted driving permit issued
12 under this Section shall be subject to cancellation,
13 revocation, and suspension by the Secretary of State in
14 like manner and for like cause as a driver's license
15 issued under this Code may be cancelled, revoked, or
16 suspended; except that a conviction upon one or more
17 offenses against laws or ordinances regulating the
18 movement of traffic shall be deemed sufficient cause for
19 the revocation, suspension, or cancellation of a
20 restricted driving permit. The Secretary of State may, as
21 a condition to the issuance of a restricted driving
22 permit, require the applicant to participate in a
23 designated driver remedial or rehabilitative program. The
24 Secretary of State is authorized to cancel a restricted
25 driving permit if the permit holder does not successfully
26 complete the program.

1 (F) A person subject to the provisions of paragraph 4
2 of subsection (b) of Section 6-208 of this Code may make
3 application for a restricted driving permit at a hearing
4 conducted under Section 2-118 of this Code after the
5 expiration of 5 years from the effective date of the most
6 recent revocation or after 5 years from the date of
7 release from a period of imprisonment resulting from a
8 conviction of the most recent offense, whichever is later,
9 provided the person, in addition to all other requirements
10 of the Secretary, shows by clear and convincing evidence:

11 (i) a minimum of 3 years of uninterrupted
12 abstinence from alcohol and the unlawful use or
13 consumption of cannabis under the Cannabis Control
14 Act, a controlled substance under the Illinois
15 Controlled Substances Act, an intoxicating compound
16 under the Use of Intoxicating Compounds Act, or
17 methamphetamine under the Methamphetamine Control and
18 Community Protection Act; and

19 (ii) the successful completion of any
20 rehabilitative treatment and involvement in any
21 ongoing rehabilitative activity that may be
22 recommended by a properly licensed service provider
23 according to an assessment of the person's alcohol or
24 drug use under Section 11-501.01 of this Code.

25 In determining whether an applicant is eligible for a
26 restricted driving permit under this subparagraph (F), the

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

10 A restricted driving permit issued under this
11 subparagraph (F) shall provide that the holder may only
12 operate motor vehicles equipped with an ignition interlock
13 device as required under paragraph (2) of subsection (c)
14 of Section 6-205 of this Code and subparagraph (A) of
15 paragraph 3 of subsection (c) of this Section. The
16 Secretary may revoke a restricted driving permit or amend
17 the conditions of a restricted driving permit issued under
18 this subparagraph (F) if the holder operates a vehicle
19 that is not equipped with an ignition interlock device, or
20 for any other reason authorized under this Code.

21 A restricted driving permit issued under this
22 subparagraph (F) shall be revoked, and the holder barred
23 from applying for or being issued a restricted driving
24 permit in the future, if the holder is convicted of a
25 violation of Section 11-501 of this Code, a similar
26 provision of a local ordinance, or a similar offense in

1 another state.

2 (c-3) In the case of a suspension under paragraph 43 of
3 subsection (a), reports received by the Secretary of State
4 under this Section shall, except during the actual time the
5 suspension is in effect, be privileged information and for use
6 only by the courts, police officers, prosecuting authorities,
7 the driver licensing administrator of any other state, the
8 Secretary of State, or the parent or legal guardian of a driver
9 under the age of 18. However, beginning January 1, 2008, if the
10 person is a CDL holder, the suspension shall also be made
11 available to the driver licensing administrator of any other
12 state, the U.S. Department of Transportation, and the affected
13 driver or motor carrier or prospective motor carrier upon
14 request.

15 (c-4) In the case of a suspension under paragraph 43 of
16 subsection (a), the Secretary of State shall notify the person
17 by mail that his or her driving privileges and driver's
18 license will be suspended one month after the date of the
19 mailing of the notice.

20 (c-5) The Secretary of State may, as a condition of the
21 reissuance of a driver's license or permit to an applicant
22 whose driver's license or permit has been suspended before he
23 or she reached the age of 21 years pursuant to any of the
24 provisions of this Section, require the applicant to
25 participate in a driver remedial education course and be
26 retested under Section 6-109 of this Code.

1 (d) This Section is subject to the provisions of the
2 Driver License Compact.

3 (e) The Secretary of State shall not issue a restricted
4 driving permit to a person under the age of 16 years whose
5 driving privileges have been suspended or revoked under any
6 provisions of this Code.

7 (f) In accordance with 49 CFR ~~C.F.R.~~ 384, the Secretary of
8 State may not issue a restricted driving permit for the
9 operation of a commercial motor vehicle to a person holding a
10 CDL whose driving privileges have been suspended, revoked,
11 cancelled, or disqualified under any provisions of this Code.

12 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
13 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
14 8-6-21; 102-558, eff. 8-20-21; revised 10-28-21.)

15 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

16 Sec. 6-401. Driver training schools-license required.

17 (a) No person, firm, association, partnership or
18 corporation shall operate a driver training school or engage
19 in the business of giving instruction for hire or for a fee in
20 (1) the driving of motor vehicles; or (2) the preparation of an
21 applicant for examination given by the Secretary of State for
22 a drivers license or permit, unless a license therefor has
23 been issued by the Secretary. No public schools or educational
24 institutions shall contract with entities engaged in the
25 business of giving instruction for hire or for a fee in the

1 driving of motor vehicles for the preparation of an applicant
2 for examination given by the Secretary of State for a driver's
3 license or permit, unless a license therefor has been issued
4 by the Secretary.

5 This subsection (a) shall not apply to (i) public schools
6 or to educational institutions in which driving instruction is
7 part of the curriculum, (ii) employers giving instruction to
8 their employees, ~~or~~ (iii) schools that teach enhanced driving
9 skills to licensed drivers as set forth in Article X of Chapter
10 6 of this Code, or (iv) driver rehabilitation specialists or
11 programs in which the clients of the rehabilitation
12 specialists or programs have previously held driver's
13 licenses.

14 (b) Any person, firm, association, partnership, or
15 corporation that violates subsection (a) of this Section shall
16 be guilty of a Class A misdemeanor for a first offense and a
17 Class 4 felony for a second or subsequent offense.

18 (Source: P.A. 100-409, eff. 8-25-17.)

19 (625 ILCS 5/6-508.1)

20 Sec. 6-508.1. Medical examiner's certificate.

21 (a) It shall be unlawful for any person to drive a CMV in
22 non-excepted interstate commerce unless the person holds a CLP
23 or CDL and is medically certified as physically qualified to
24 do so.

25 (b) No person who has certified to non-excepted interstate

1 driving as provided in Sections 6-507.5 and 6-508 of this Code
2 shall be issued a CLP or CDL unless that person has a current
3 medical examiner's certificate on the CDLIS driver record.

4 (c) (Blank).

5 (d) On and after January 30, 2014, all persons who hold a
6 commercial driver instruction permit or CDL who have certified
7 as non-excepted interstate shall maintain a current medical
8 examiner's certificate on file with the Secretary. On and
9 after July 1, 2014, all persons issued a CLP who have certified
10 as non-excepted interstate shall maintain a current medical
11 examiner's certificate on file with the Secretary.

12 (e) Before June 22, 2025 ~~2021~~, the Secretary shall post
13 the following to the CDLIS driver record within 10 calendar
14 days of receipt of a medical examiner's certificate of a
15 driver who has certified as non-excepted interstate:

16 (1) the medical examiner's name;

17 (2) the medical examiner's telephone number;

18 (3) the date of issuance of the medical examiner's
19 certificate;

20 (4) the medical examiner's license number and the
21 state that issued it;

22 (5) the medical certification status;

23 (6) the expiration date of the medical examiner's
24 certificate;

25 (7) the existence of any medical variance on the
26 medical examiner's certificate, including, but not limited

1 to, an exemption, Skills Performance Evaluation
2 certification, issuance and expiration date of the medical
3 variance, or any grandfather provisions;

4 (8) any restrictions noted on the medical examiner's
5 certificate;

6 (9) the date the medical examiner's certificate
7 information was posted to the CDLIS driver record; and

8 (10) the medical examiner's National Registry of
9 Certified Medical Examiners identification number.

10 (e-5) Beginning June 23, 2025 ~~22, 2021~~, the Secretary
11 shall post the following to the CDLIS driver record within one
12 business day of electronic receipt from the Federal Motor
13 Carrier Safety Administration of a driver's identification,
14 examination results, restriction information, and medical
15 variance information resulting from an examination performed
16 by a medical examiner on the National Registry of Certified
17 Medical Examiners for any driver who has certified as
18 non-excepted interstate:

19 (1) the medical examiner's name;

20 (2) the medical examiner's telephone number;

21 (3) the date of issuance of the medical examiner's
22 certificate;

23 (4) the medical examiner's license number and the
24 state that issued it;

25 (5) the medical certification status;

26 (6) the expiration date of the medical examiner's

1 certificate;

2 (7) the existence of any medical variance on the
3 medical examiner's certificate, including, but not limited
4 to, an exemption, Skills Performance Evaluation
5 certification, issue and expiration date of a medical
6 variance, or any grandfather provisions;

7 (8) any restrictions noted on the medical examiner's
8 certificate;

9 (9) the date the medical examiner's certificate
10 information was posted to the CDLIS driver record; and

11 (10) the medical examiner's National Registry of
12 Certified Medical Examiners identification number.

13 (f) Within 10 calendar days of the expiration or
14 rescission of the driver's medical examiner's certificate or
15 medical variance or both, the Secretary shall update the
16 medical certification status to "not certified".

17 (g) Within 10 calendar days of receipt of information from
18 the Federal Motor Carrier Safety Administration regarding
19 issuance or renewal of a medical variance, the Secretary shall
20 update the CDLIS driver record to include the medical variance
21 information provided by the Federal Motor Carrier Safety
22 Administration.

23 (g-5) Beginning June 22, 2021, within one business day of
24 electronic receipt of information from the Federal Motor
25 Carrier Safety Administration regarding issuance or renewal of
26 a medical variance, the Secretary shall update the CDLIS

1 driver record to include the medical variance information
2 provided by the Federal Motor Carrier Safety Administration.

3 (h) The Secretary shall notify the driver of his or her
4 non-certified status and that his or her CDL will be canceled
5 unless the driver submits a current medical examiner's
6 certificate or medical variance or changes his or her
7 self-certification to driving only in excepted or intrastate
8 commerce.

9 (i) Within 60 calendar days of a driver's medical
10 certification status becoming non-certified, the Secretary
11 shall cancel the CDL.

12 (j) As required under the Code of Federal Regulations 49
13 CFR 390.39, an operator of a covered farm vehicle, as defined
14 under Section 18b-101 of this Code, is exempt from the
15 requirements of this Section.

16 (k) For purposes of ensuring a person is medically fit to
17 drive a commercial motor vehicle, the Secretary may release
18 medical information provided by an applicant or a holder of a
19 CDL or CLP to the Federal Motor Carrier Safety Administration.
20 Medical information includes, but is not limited to, a medical
21 examiner's certificate, a medical report that the Secretary
22 requires to be submitted, statements regarding medical
23 conditions made by an applicant or a holder of a CDL or CLP, or
24 statements made by his or her physician.

25 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

1 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)
2 Sec. 6-514. Commercial driver's license (CDL); commercial
3 learner's permit (CLP); disqualifications.

4 (a) A person shall be disqualified from driving a
5 commercial motor vehicle for a period of not less than 12
6 months for the first violation of:

7 (1) Refusing to submit to or failure to complete a
8 test or tests to determine the driver's blood
9 concentration of alcohol, other drug, or both while
10 driving a commercial motor vehicle or, if the driver is a
11 CLP or CDL holder, while driving a non-CMV; or

12 (2) Operating a commercial motor vehicle while the
13 alcohol concentration of the person's blood, breath, other
14 bodily substance, or urine is at least 0.04, or any amount
15 of a drug, substance, or compound in the person's blood,
16 other bodily substance, or urine resulting from the
17 unlawful use or consumption of cannabis listed in the
18 Cannabis Control Act, a controlled substance listed in the
19 Illinois Controlled Substances Act, or methamphetamine as
20 listed in the Methamphetamine Control and Community
21 Protection Act as indicated by a police officer's sworn
22 report or other verified evidence; or operating a
23 non-commercial motor vehicle while the alcohol
24 concentration of the person's blood, breath, other bodily
25 substance, or urine was above the legal limit defined in
26 Section 11-501.1 or 11-501.8 or any amount of a drug,

1 substance, or compound in the person's blood, other bodily
2 substance, or urine resulting from the unlawful use or
3 consumption of cannabis listed in the Cannabis Control
4 Act, a controlled substance listed in the Illinois
5 Controlled Substances Act, or methamphetamine as listed in
6 the Methamphetamine Control and Community Protection Act
7 as indicated by a police officer's sworn report or other
8 verified evidence while holding a CLP or CDL; or

9 (3) Conviction for a first violation of:

10 (i) Driving a commercial motor vehicle or, if the
11 driver is a CLP or CDL holder, driving a non-CMV while
12 under the influence of alcohol, or any other drug, or
13 combination of drugs to a degree which renders such
14 person incapable of safely driving; or

15 (ii) Knowingly leaving the scene of an accident
16 while operating a commercial motor vehicle or, if the
17 driver is a CLP or CDL holder, while driving a non-CMV;
18 or

19 (iii) Driving a commercial motor vehicle or, if
20 the driver is a CLP or CDL holder, driving a non-CMV
21 while committing any felony; or

22 (iv) Driving a commercial motor vehicle while the
23 person's driving privileges or driver's license or
24 permit is revoked, suspended, or cancelled or the
25 driver is disqualified from operating a commercial
26 motor vehicle; or

1 (v) Causing a fatality through the negligent
2 operation of a commercial motor vehicle, including but
3 not limited to the crimes of motor vehicle
4 manslaughter, homicide by a motor vehicle, and
5 negligent homicide.

6 As used in this subdivision (a)(3)(v), "motor
7 vehicle manslaughter" means the offense of involuntary
8 manslaughter if committed by means of a vehicle;
9 "homicide by a motor vehicle" means the offense of
10 first degree murder or second degree murder, if either
11 offense is committed by means of a vehicle; and
12 "negligent homicide" means reckless homicide under
13 Section 9-3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 and aggravated driving under the
15 influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination
17 thereof under subdivision (d)(1)(F) of Section 11-501
18 of this Code.

19 If any of the above violations or refusals occurred
20 while transporting hazardous material(s) required to be
21 placarded, the person shall be disqualified for a period
22 of not less than 3 years; or

23 (4) (Blank).

24 (b) A person is disqualified for life for a second
25 conviction of any of the offenses specified in paragraph (a),
26 or any combination of those offenses, arising from 2 or more

1 separate incidents.

2 (c) A person is disqualified from driving a commercial
3 motor vehicle for life if the person either (i) uses a
4 commercial motor vehicle in the commission of any felony
5 involving the manufacture, distribution, or dispensing of a
6 controlled substance, or possession with intent to
7 manufacture, distribute or dispense a controlled substance or
8 (ii) if the person is a CLP or CDL holder, uses a non-CMV in
9 the commission of a felony involving any of those activities.

10 (d) The Secretary of State may, when the United States
11 Secretary of Transportation so authorizes, issue regulations
12 in which a disqualification for life under paragraph (b) may
13 be reduced to a period of not less than 10 years. If a
14 reinstated driver is subsequently convicted of another
15 disqualifying offense, as specified in subsection (a) of this
16 Section, he or she shall be permanently disqualified for life
17 and shall be ineligible to again apply for a reduction of the
18 lifetime disqualification.

19 (e) A person is disqualified from driving a commercial
20 motor vehicle for a period of not less than 2 months if
21 convicted of 2 serious traffic violations, committed in a
22 commercial motor vehicle, non-CMV while holding a CLP or CDL,
23 or any combination thereof, arising from separate incidents,
24 occurring within a 3-year ~~3-year~~ period, provided the serious
25 traffic violation committed in a non-CMV would result in the
26 suspension or revocation of the CLP or CDL holder's non-CMV

1 privileges. However, a person will be disqualified from
2 driving a commercial motor vehicle for a period of not less
3 than 4 months if convicted of 3 serious traffic violations,
4 committed in a commercial motor vehicle, non-CMV while holding
5 a CLP or CDL, or any combination thereof, arising from
6 separate incidents, occurring within a 3-year ~~3-year~~ period,
7 provided the serious traffic violation committed in a non-CMV
8 would result in the suspension or revocation of the CLP or CDL
9 holder's non-CMV privileges. If all the convictions occurred
10 in a non-CMV, the disqualification shall be entered only if
11 the convictions would result in the suspension or revocation
12 of the CLP or CDL holder's non-CMV privileges.

13 (e-1) (Blank).

14 (f) Notwithstanding any other provision of this Code, any
15 driver disqualified from operating a commercial motor vehicle,
16 pursuant to this UCDLA, shall not be eligible for restoration
17 of commercial driving privileges during any such period of
18 disqualification.

19 (g) After suspending, revoking, or cancelling a CLP or
20 CDL, the Secretary of State must update the driver's records
21 to reflect such action within 10 days. After suspending or
22 revoking the driving privilege of any person who has been
23 issued a CLP or CDL from another jurisdiction, the Secretary
24 shall originate notification to such issuing jurisdiction
25 within 10 days.

26 (h) The "disqualifications" referred to in this Section

1 shall not be imposed upon any commercial motor vehicle driver,
2 by the Secretary of State, unless the prohibited action(s)
3 occurred after March 31, 1992.

4 (i) A person is disqualified from driving a commercial
5 motor vehicle in accordance with the following:

6 (1) For 6 months upon a first conviction of paragraph
7 (2) of subsection (b) or subsection (b-3) of Section 6-507
8 of this Code.

9 (2) For 2 years upon a second conviction of paragraph
10 (2) of subsection (b) or subsection (b-3) or any
11 combination of paragraphs (2) or (3) of subsection (b) or
12 subsections (b-3) or (b-5) of Section 6-507 of this Code
13 within a 10-year period if the second conviction is a
14 violation of paragraph (2) of subsection (b) or subsection
15 (b-3).

16 (3) For 3 years upon a third or subsequent conviction
17 of paragraph (2) of subsection (b) or subsection (b-3) or
18 any combination of paragraphs (2) or (3) of subsection (b)
19 or subsections (b-3) or (b-5) of Section 6-507 of this
20 Code within a 10-year period if the third or subsequent
21 conviction is a violation of paragraph (2) of subsection
22 (b) or subsection (b-3).

23 (4) For one year upon a first conviction of paragraph
24 (3) of subsection (b) or subsection (b-5) of Section 6-507
25 of this Code.

26 (5) For 3 years upon a second conviction of paragraph

1 (3) of subsection (b) or subsection (b-5) or any
2 combination of paragraphs (2) or (3) of subsection (b) or
3 subsections (b-3) or (b-5) of Section 6-507 of this Code
4 within a 10-year period if the second conviction is a
5 violation of paragraph (3) of subsection (b) or (b-5).

6 (6) For 5 years upon a third or subsequent conviction
7 of paragraph (3) of subsection (b) or subsection (b-5) or
8 any combination of paragraphs (2) or (3) of subsection (b)
9 or subsections (b-3) or (b-5) of Section 6-507 of this
10 Code within a 10-year period if the third or subsequent
11 conviction is a violation of paragraph (3) of subsection
12 (b) or (b-5).

13 (j) Disqualification for railroad-highway grade crossing
14 violation.

15 (1) General rule. A driver who is convicted of a
16 violation of a federal, State, or local law or regulation
17 pertaining to one of the following 6 offenses at a
18 railroad-highway grade crossing must be disqualified from
19 operating a commercial motor vehicle for the period of
20 time specified in paragraph (2) of this subsection (j) if
21 the offense was committed while operating a commercial
22 motor vehicle:

23 (i) For drivers who are not required to always
24 stop, failing to slow down and check that the tracks
25 are clear of an approaching train or railroad track
26 equipment, as described in subsection (a-5) of Section

1 11-1201 of this Code;

2 (ii) For drivers who are not required to always
3 stop, failing to stop before reaching the crossing, if
4 the tracks are not clear, as described in subsection
5 (a) of Section 11-1201 of this Code;

6 (iii) For drivers who are always required to stop,
7 failing to stop before driving onto the crossing, as
8 described in Section 11-1202 of this Code;

9 (iv) For all drivers, failing to have sufficient
10 space to drive completely through the crossing without
11 stopping, as described in subsection (b) of Section
12 11-1425 of this Code;

13 (v) For all drivers, failing to obey a traffic
14 control device or the directions of an enforcement
15 official at the crossing, as described in subdivision
16 (a)2 of Section 11-1201 of this Code;

17 (vi) For all drivers, failing to negotiate a
18 crossing because of insufficient undercarriage
19 clearance, as described in subsection (d-1) of Section
20 11-1201 of this Code.

21 (2) Duration of disqualification for railroad-highway
22 grade crossing violation.

23 (i) First violation. A driver must be disqualified
24 from operating a commercial motor vehicle for not less
25 than 60 days if the driver is convicted of a violation
26 described in paragraph (1) of this subsection (j) and,

1 in the three-year period preceding the conviction, the
2 driver had no convictions for a violation described in
3 paragraph (1) of this subsection (j).

4 (ii) Second violation. A driver must be
5 disqualified from operating a commercial motor vehicle
6 for not less than 120 days if the driver is convicted
7 of a violation described in paragraph (1) of this
8 subsection (j) and, in the three-year period preceding
9 the conviction, the driver had one other conviction
10 for a violation described in paragraph (1) of this
11 subsection (j) that was committed in a separate
12 incident.

13 (iii) Third or subsequent violation. A driver must
14 be disqualified from operating a commercial motor
15 vehicle for not less than one year if the driver is
16 convicted of a violation described in paragraph (1) of
17 this subsection (j) and, in the three-year period
18 preceding the conviction, the driver had 2 or more
19 other convictions for violations described in
20 paragraph (1) of this subsection (j) that were
21 committed in separate incidents.

22 (k) Upon notification of a disqualification of a driver's
23 commercial motor vehicle privileges imposed by the U.S.
24 Department of Transportation, Federal Motor Carrier Safety
25 Administration, in accordance with 49 CFR ~~C.F.R.~~ 383.52, the
26 Secretary of State shall immediately record to the driving

1 record the notice of disqualification and confirm to the
2 driver the action that has been taken.

3 (l) A foreign commercial driver is subject to
4 disqualification under this Section.

5 (m) A person shall be disqualified from operating a
6 commercial motor vehicle for life if that individual uses a
7 commercial motor vehicle in the commission of a felony
8 involving an act or practice of severe forms of human
9 trafficking, as defined in 22 U.S.C. 7102(11).

10 (Source: P.A. 98-122, eff. 1-1-14; 98-176 (see Section 10 of
11 P.A. 98-722 and Section 10 of P.A. 99-414 for the effective
12 date of changes made by P.A. 98-176); 98-722, eff. 7-16-14;
13 98-756, eff. 7-16-14; 98-1172, eff. 1-12-15; 99-697, eff.
14 7-29-16.)

15 (625 ILCS 5/6-524) (from Ch. 95 1/2, par. 6-524)

16 Sec. 6-524. Penalties.

17 (a) Every person convicted of violating any provision of
18 this UCCLA for which another penalty is not provided shall for
19 a first offense be guilty of a petty offense; and for a second
20 conviction for any offense committed within 3 years of any
21 previous offense, shall be guilty of a Class B misdemeanor.

22 (b) Any person convicted of violating subsection (b) of
23 Section 6-506 of this Code shall be subject to a civil penalty
24 as set forth in 49 CFR Part 386, Appendix B ~~of not more than~~
25 ~~\$10,000.~~

1 (c) Any person or employer convicted of violating
2 paragraph (5) of subsection (a) or subsection (b-3) or (b-5)
3 of Section 6-506 shall be subject to a civil penalty as set
4 forth in 49 CFR Part 386, Appendix B ~~of not less than \$2,750~~
5 ~~nor more than \$25,000.~~

6 (d) Any person convicted of violating paragraph (2) or (3)
7 of subsection (b) or subsection (b-3) or (b-5) of Section
8 6-507 shall be subject to a civil penalty as set forth in 49
9 CFR Part 386, Appendix B ~~of not less than \$2,750 nor more than~~
10 ~~\$25,000 for a first conviction and not less than \$5,000 nor~~
11 ~~more than \$25,000 for a second conviction.~~

12 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10;
13 96-1080, eff. 7-16-10.)

14 Section 10. The Probate Act of 1975 is amended by changing
15 Section 11a-12 as follows:

16 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

17 (Text of Section before amendment by P.A. 102-72)

18 Sec. 11a-12. Order of appointment.)

19 (a) If basis for the appointment of a guardian as
20 specified in Section 11a-3 is not found, the court shall
21 dismiss the petition.

22 (b) If the respondent is adjudged to be a person with a
23 disability and to lack some but not all of the capacity as
24 specified in Section 11a-3, and if the court finds that

1 guardianship is necessary for the protection of the person
2 with a disability, his or her estate, or both, the court shall
3 appoint a limited guardian for the respondent's person or
4 estate or both. The court shall enter a written order stating
5 the factual basis for its findings and specifying the duties
6 and powers of the guardian and the legal disabilities to which
7 the respondent is subject.

8 (c) If the respondent is adjudged to be a person with a
9 disability and to be totally without capacity as specified in
10 Section 11a-3, and if the court finds that limited
11 guardianship will not provide sufficient protection for the
12 person with a disability, his or her estate, or both, the court
13 shall appoint a plenary guardian for the respondent's person
14 or estate or both. The court shall enter a written order
15 stating the factual basis for its findings.

16 (d) The selection of the guardian shall be in the
17 discretion of the court, which shall give due consideration to
18 the preference of the person with a disability as to a
19 guardian, as well as the qualifications of the proposed
20 guardian, in making its appointment. However, the paramount
21 concern in the selection of the guardian is the best interest
22 and well-being of the person with a disability.

23 (e) The order of appointment of a guardian of the person in
24 any county with a population of less than 3 million shall
25 include the requirement that the guardian of the person
26 complete the training program as provided in Section 33.5 of

1 the Guardianship and Advocacy Act that outlines the
2 responsibilities of the guardian of the person and the rights
3 of the person under guardianship and file with the court a
4 certificate of completion one year from the date of issuance
5 of the letters of guardianship, except that: (1) the chief
6 judge of any circuit may order implementation of another
7 training program by a suitable provider containing
8 substantially similar content; (2) employees of the Office of
9 the State Guardian, public guardians, attorneys currently
10 authorized to practice law, corporate fiduciaries, and persons
11 certified by the Center for Guardianship Certification are
12 exempt from this training requirement; and (3) the court may,
13 for good cause shown, exempt from this requirement an
14 individual not otherwise listed in item (2). For the purposes
15 of this subsection (e), good cause may be proven by affidavit.
16 If the court finds good cause to exempt an individual from the
17 training requirement, the order of appointment shall so state.
18 (Source: P.A. 99-143, eff. 7-27-15; 100-483, eff. 9-8-18.)

19 (Text of Section after amendment by P.A. 102-72)

20 Sec. 11a-12. Order of appointment.

21 (a) If basis for the appointment of a guardian as
22 specified in Section 11a-3 is not found, the court shall
23 dismiss the petition.

24 (b) If the respondent is adjudged to be a person with a
25 disability and to lack some but not all of the capacity as

1 specified in Section 11a-3, and if the court finds that
2 guardianship is necessary for the protection of the person
3 with a disability, his or her estate, or both, the court shall
4 appoint a limited guardian for the respondent's person or
5 estate or both. The court shall enter a written order stating
6 the factual basis for its findings and specifying the duties
7 and powers of the guardian and the legal disabilities to which
8 the respondent is subject. If the court makes a finding that
9 the respondent should not hold a driver's license, the clerk
10 of the court shall provide a copy of the written order of
11 limited guardianship to the Secretary of State, in a manner
12 and form prescribed by the Secretary. If the court provides
13 the guardian with the power to determine if the respondent may
14 hold a driver's license, upon the guardian making a
15 determination that the respondent should not hold a driver's
16 license, the guardian shall notify the Secretary of State, in
17 a manner and form prescribed by the Secretary.

18 (c) If the respondent is adjudged to be a person with a
19 disability and to be totally without capacity as specified in
20 Section 11a-3, and if the court finds that limited
21 guardianship will not provide sufficient protection for the
22 person with a disability, his or her estate, or both, the court
23 shall appoint a plenary guardian for the respondent's person
24 or estate or both. The court shall enter a written order
25 stating the factual basis for its findings. The clerk of the
26 court shall provide a copy of the written order of plenary

1 guardianship to the Secretary of State, in a manner and form
2 prescribed by the Secretary.

3 (d) The selection of the guardian shall be in the
4 discretion of the court, which shall give due consideration to
5 the preference of the person with a disability as to a
6 guardian, as well as the qualifications of the proposed
7 guardian, in making its appointment. However, the paramount
8 concern in the selection of the guardian is the best interests
9 and well-being of the person with a disability.

10 One person or agency may be appointed a limited or plenary
11 guardian of the person and another person or corporate trustee
12 appointed as a limited or plenary guardian of the estate. If
13 different persons are appointed, the court shall consider the
14 factors set forth in subsection (b-5) of Section 11a-5. The
15 court shall enter a written order stating the factual basis
16 for its findings.

17 (e) The order of appointment of a guardian of the person in
18 any county with a population of less than 3 million shall
19 include the requirement that the guardian of the person
20 complete the training program as provided in Section 33.5 of
21 the Guardianship and Advocacy Act that outlines the
22 responsibilities of the guardian of the person and the rights
23 of the person under guardianship and file with the court a
24 certificate of completion one year from the date of issuance
25 of the letters of guardianship, except that: (1) the chief
26 judge of any circuit may order implementation of another

1 training program by a suitable provider containing
2 substantially similar content; (2) employees of the Office of
3 the State Guardian, public guardians, attorneys currently
4 authorized to practice law, corporate fiduciaries, and persons
5 certified by the Center for Guardianship Certification are
6 exempt from this training requirement; and (3) the court may,
7 for good cause shown, exempt from this requirement an
8 individual not otherwise listed in item (2). For the purposes
9 of this subsection (e), good cause may be proven by affidavit.
10 If the court finds good cause to exempt an individual from the
11 training requirement, the order of appointment shall so state.
12 (Source: P.A. 102-72, eff. 1-1-22.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.