

1 AN ACT in relation to vehicles.

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 adding Section 1-142.1c and changing Sections 6-208 and  
6 11-501 as follows:

7 (625 ILCS 5/1-142.1c new)

8 Sec. 1-142.1c. Medical practitioner or medical examiner.  
9 Any person licensed to practice medicine in all its branches  
10 in the State of Illinois.

11 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

12 Sec. 6-208. Period of Suspension - Application After  
13 Revocation.

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

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20 drive a motor vehicle on the highways has been revoked shall  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

27 1. Except as provided in subparagraphs 2, 3, and 4,  
28 the person may make application for a license after the  
29 expiration of one year from the effective date of the  
30 revocation or, in the case of a violation of paragraph

1       ~~(b)-ef~~ Section 11-401 of this Code or a similar provision  
 2       of a local ordinance, after the expiration of 3 years  
 3       from the effective date of the revocation or, in the case  
 4       of a violation of Section 9-3 of the Criminal Code of  
 5       1961 relating to the offense of reckless homicide, after  
 6       the expiration of 2 years from the effective date of the  
 7       revocation or after the expiration of 24 months from the  
 8       date of release from a period of imprisonment as provided  
 9       in Section 6-103 of this Code, whichever is later.

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

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

14               (B) ~~Paragraph--(b)--ef~~ Section 11-401 of this  
 15       Code, or a similar provision of a local ordinance;  
 16       or

17               (C) Section 9-3 of the Criminal Code of 1961,  
 18       as amended, relating to the offense of reckless  
 19       homicide; or

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

22       then such person may not make application for a license  
 23       until after the expiration of 5 years from the effective  
 24       date of the most recent revocation. The 20 year period  
 25       shall be computed by using the dates the offenses were  
 26       committed and shall also include similar out-of-state  
 27       offenses.

28       3. ~~However, except as provided in subparagraph 4,~~  
 29       If such person is convicted of committing a third, ~~or~~  
 30       subsequent, violation or any combination of the above  
 31       offenses, including similar out-of-state offenses,  
 32       contained in subparagraph 2, then such person may not  
 33       make application for a license until after the expiration  
 34       of 10 years from the effective date of the most recent

1 revocation.

2 4. The person may not make application for a  
3 license if the person is convicted of committing a fourth  
4 or subsequent violation of Section 11-501 of this Code or  
5 a similar provision of a local ordinance, Section 11-401  
6 of this Code, Section 9-3 of the Criminal Code of 1961,  
7 or a combination of these offenses or similar provisions  
8 of local ordinances or similar out-of-state offenses.

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

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

20 (c) If a person prohibited under paragraph (2) or  
21 paragraph (3) of subsection (c-4) of Section 11-501 from  
22 driving any vehicle not equipped with an ignition interlock  
23 device nevertheless is convicted of driving a vehicle that is  
24 not equipped with the device, that person is prohibited from  
25 driving any vehicle not equipped with an ignition interlock  
26 device for an additional period of time equal to the initial  
27 time period that the person was required to use an ignition  
28 interlock device.

29 (Source: P.A. 91-357, eff. 7-29-99; 92-343, eff. 1-1-02;  
30 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff.  
31 7-11-02.)

32 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

33 Sec. 11-501. Driving while under the influence of

1 alcohol, other drug or drugs, intoxicating compound or  
2 compounds or any combination thereof.

3 (a) A person shall not drive or be in actual physical  
4 control of any vehicle within this State while:

5 (1) the alcohol concentration in the person's blood  
6 or breath is 0.08 or more based on the definition of  
7 blood and breath units in Section 11-501.2;

8 (2) under the influence of alcohol;

9 (3) under the influence of any intoxicating  
10 compound or combination of intoxicating compounds to a  
11 degree that renders the person incapable of driving  
12 safely;

13 (4) under the influence of any other drug or  
14 combination of drugs to a degree that renders the person  
15 incapable of safely driving;

16 (5) under the combined influence of alcohol, other  
17 drug or drugs, or intoxicating compound or compounds to a  
18 degree that renders the person incapable of safely  
19 driving; or

20 (6) there is any amount of a drug, substance, or  
21 compound in the person's breath, blood, or urine  
22 resulting from the unlawful use or consumption of  
23 cannabis listed in the Cannabis Control Act, a controlled  
24 substance listed in the Illinois Controlled Substances  
25 Act, or an intoxicating compound listed in the Use of  
26 Intoxicating Compounds Act.

27 (b) The fact that any person charged with violating this  
28 Section is or has been legally entitled to use alcohol, other  
29 drug or drugs, or intoxicating compound or compounds, or any  
30 combination thereof, shall not constitute a defense against  
31 any charge of violating this Section.

32 (c) Except as provided under paragraphs (c-3), (c-4),  
33 and (d) of this Section, every person convicted of violating  
34 this Section or a similar provision of a local ordinance,

1 shall be guilty of a Class A misdemeanor and, in addition to  
2 any other criminal or administrative action, for any second  
3 conviction of violating this Section or a similar provision  
4 of a law of another state or local ordinance committed within  
5 5 years of a previous violation of this Section or a similar  
6 provision of a local ordinance shall be mandatorily sentenced  
7 to a minimum of 5 days of imprisonment or assigned to a  
8 minimum of 30 days of community service as may be determined  
9 by the court. Every person convicted of violating this  
10 Section or a similar provision of a local ordinance shall be  
11 subject to an additional mandatory minimum fine of \$500 and  
12 an additional mandatory 5 days of community service in a  
13 program benefiting children if the person committed a  
14 violation of paragraph (a) or a similar provision of a local  
15 ordinance while transporting a person under age 16. Every  
16 person convicted a second time for violating this Section or  
17 a similar provision of a local ordinance within 5 years of a  
18 previous violation of this Section or a similar provision of  
19 a law of another state or local ordinance shall be subject to  
20 an additional mandatory minimum fine of \$500 and an  
21 additional 10 days of mandatory community service in a  
22 program benefiting children if the current offense was  
23 committed while transporting a person under age 16. The  
24 imprisonment or assignment under this subsection shall not be  
25 subject to suspension nor shall the person be eligible for  
26 probation in order to reduce the sentence or assignment.

27 (c-1) (1) A person who violates this Section during a  
28 period in which his or her driving privileges are revoked  
29 or suspended, where the revocation or suspension was for  
30 a violation of this Section, Section 11-501.1, paragraph  
31 (b)-ef Section 11-401, or Section 9-3 of the Criminal  
32 Code of 1961 is guilty of a Class 4 felony.

33 (2) A person who violates this Section a third time  
34 during a period in which his or her driving privileges

1 are revoked or suspended where the revocation or  
2 suspension was for a violation of this Section, Section  
3 11-501.1, ~~paragraph-(b)-of~~ Section 11-401, or Section 9-3  
4 of the Criminal Code of 1961 is guilty of a Class 3  
5 felony.

6 (3) A person who violates this Section a fourth or  
7 subsequent time during a period in which his or her  
8 driving privileges are revoked or suspended where the  
9 revocation or suspension was for a violation of this  
10 Section, Section 11-501.1, ~~paragraph--(b)--of~~ Section  
11 11-401, or Section 9-3 of the Criminal Code of 1961 is  
12 guilty of a Class 2 felony.

13 (c-2) (Blank).

14 (c-3) Every person convicted of violating this Section  
15 or a similar provision of a local ordinance who had a child  
16 under age 16 in the vehicle at the time of the offense shall  
17 have his or her punishment under this Act enhanced by 2 days  
18 of imprisonment for a first offense, 10 days of imprisonment  
19 for a second offense, 30 days of imprisonment for a third  
20 offense, and 90 days of imprisonment for a fourth or  
21 subsequent offense, in addition to the fine and community  
22 service required under subsection (c) and the possible  
23 imprisonment required under subsection (d). The imprisonment  
24 or assignment under this subsection shall not be subject to  
25 suspension nor shall the person be eligible for probation in  
26 order to reduce the sentence or assignment.

27 (c-4) When a person is convicted of violating Section  
28 11-501 of this Code or a similar provision of a local  
29 ordinance, the following penalties apply when his or her  
30 blood, breath, or urine was .16 or more based on the  
31 definition of blood, breath, or urine units in Section  
32 11-501.2 or when that person is convicted of violating this  
33 Section while transporting a child under the age of 16:

34 (1) A person who is convicted of violating

1 subsection (a) of Section 11-501 of this Code a first  
2 time, in addition to any other penalty that may be  
3 imposed under subsection (c), is subject to a mandatory  
4 minimum of 100 hours of community service and a minimum  
5 fine of \$500.

6 (2) A person who is convicted of violating  
7 subsection (a) of Section 11-501 of this Code a second  
8 time within 10 years, in addition to any other penalty  
9 that may be imposed under subsection (c), is subject to a  
10 mandatory minimum of 2 days of imprisonment and a minimum  
11 fine of \$1,250.

12 (3) A person who is convicted of violating  
13 subsection (a) of Section 11-501 of this Code a third  
14 time within 20 years is guilty of a Class 4 felony and,  
15 in addition to any other penalty that may be imposed  
16 under subsection (c), is subject to a mandatory minimum  
17 of 90 days of imprisonment and a minimum fine of \$2,500.

18 (4) A person who is convicted of violating this  
19 subsection (c-4) a fourth or subsequent time is guilty of  
20 a Class 2 felony and, in addition to any other penalty  
21 that may be imposed under subsection (c), is not eligible  
22 for a sentence of probation or conditional discharge and  
23 is subject to a minimum fine of \$2,500.

24 (d) (1) Every person convicted of committing a violation  
25 of this Section shall be guilty of aggravated driving  
26 under the influence of alcohol, other drug or drugs, or  
27 intoxicating compound or compounds, or any combination  
28 thereof if:

29 (A) the person committed a violation of this  
30 Section, or a similar provision of a law of another  
31 state or a local ordinance when the cause of action  
32 is the same as or substantially similar to this  
33 Section, for the third or subsequent time;

34 (B) the person committed a violation of

1 paragraph (a) while driving a school bus with  
2 children on board;

3 (C) the person in committing a violation of  
4 paragraph (a) was involved in a motor vehicle  
5 accident that resulted in great bodily harm or  
6 permanent disability or disfigurement to another,  
7 when the violation was a proximate cause of the  
8 injuries;

9 (D) the person committed a violation of  
10 paragraph (a) for a second time and has been  
11 previously convicted of violating Section 9-3 of the  
12 Criminal Code of 1961 relating to reckless homicide  
13 in which the person was determined to have been  
14 under the influence of alcohol, other drug or drugs,  
15 or intoxicating compound or compounds as an element  
16 of the offense or the person has previously been  
17 convicted under subparagraph (C) of this paragraph  
18 (1); or

19 (E) the person, in committing a violation of  
20 paragraph (a) while driving at any speed in a school  
21 speed zone at a time when a speed limit of 20 miles  
22 per hour was in effect under subsection (a) of  
23 Section 11-605 of this Code, was involved in a motor  
24 vehicle accident that resulted in bodily harm, other  
25 than great bodily harm or permanent disability or  
26 disfigurement, to another person, when the violation  
27 of paragraph (a) was a proximate cause of the bodily  
28 harm.

29 (2) Aggravated driving under the influence of  
30 alcohol, other drug or drugs, or intoxicating compound or  
31 compounds, or any combination thereof is a Class 4  
32 felony. For a violation of subparagraph (C) of paragraph  
33 (1) of this subsection (d), the defendant, if sentenced  
34 to a term of imprisonment, shall be sentenced to not less

1 than one year nor more than 12 years. For any  
2 prosecution under this subsection (d), a certified copy  
3 of the driving abstract of the defendant shall be  
4 admitted as proof of any prior conviction.

5 (e) After a finding of guilt and prior to any final  
6 sentencing, or an order for supervision, for an offense based  
7 upon an arrest for a violation of this Section or a similar  
8 provision of a local ordinance, individuals shall be required  
9 to undergo a professional evaluation to determine if an  
10 alcohol, drug, or intoxicating compound abuse problem exists  
11 and the extent of the problem, and undergo the imposition of  
12 treatment as appropriate. Programs conducting these  
13 evaluations shall be licensed by the Department of Human  
14 Services. The cost of any professional evaluation shall be  
15 paid for by the individual required to undergo the  
16 professional evaluation.

17 (f) Every person found guilty of violating this Section,  
18 whose operation of a motor vehicle while in violation of this  
19 Section proximately caused any incident resulting in an  
20 appropriate emergency response, shall be liable for the  
21 expense of an emergency response as provided under Section  
22 5-5-3 of the Unified Code of Corrections.

23 (g) The Secretary of State shall revoke the driving  
24 privileges of any person convicted under this Section or a  
25 similar provision of a local ordinance.

26 (h) Every person sentenced under paragraph (2) or (3) of  
27 subsection (c-1) of this Section or subsection (d) of this  
28 Section and who receives a term of probation or conditional  
29 discharge shall be required to serve a minimum term of either  
30 60 days community service or 10 days of imprisonment as a  
31 condition of the probation or conditional discharge. This  
32 mandatory minimum term of imprisonment or assignment of  
33 community service shall not be suspended and shall not be  
34 subject to reduction by the court.

1 (i) The Secretary of State shall require the use of  
2 ignition interlock devices on all vehicles owned by an  
3 individual who has been convicted of a second or subsequent  
4 offense of this Section or a similar provision of a local  
5 ordinance. The Secretary shall establish by rule and  
6 regulation the procedures for certification and use of the  
7 interlock system.

8 (j) In addition to any other penalties and liabilities,  
9 a person who is found guilty of or pleads guilty to violating  
10 this Section, including any person placed on court  
11 supervision for violating this Section, shall be fined \$100,  
12 payable to the circuit clerk, who shall distribute the money  
13 to the law enforcement agency that made the arrest. If the  
14 person has been previously convicted of violating this  
15 Section or a similar provision of a local ordinance, the fine  
16 shall be \$200. In the event that more than one agency is  
17 responsible for the arrest, the \$100 or \$200 shall be shared  
18 equally. Any moneys received by a law enforcement agency  
19 under this subsection (j) shall be used to purchase law  
20 enforcement equipment that will assist in the prevention of  
21 alcohol related criminal violence throughout the State. This  
22 shall include, but is not limited to, in-car video cameras,  
23 radar and laser speed detection devices, and alcohol breath  
24 testers. Any moneys received by the Department of State  
25 Police under this subsection (j) shall be deposited into the  
26 State Police DUI Fund and shall be used to purchase law  
27 enforcement equipment that will assist in the prevention of  
28 alcohol related criminal violence throughout the State.

29 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;  
30 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.  
31 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,  
32 eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.