

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 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-206 and 11-605 and by adding Section 11-605.1 as
6 follows:

7 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 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 preliminary
12 hearing upon a showing of the person's records or other
13 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 upon
16 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
24 offenses against laws and ordinances regulating the
25 movement of traffic, to a degree that indicates lack of
26 ability to exercise ordinary and reasonable care in the
27 safe operation of a motor vehicle or disrespect for the
28 traffic laws and the safety of other persons upon the
29 highway;

30 4. Has by the unlawful operation of a motor vehicle
31 caused or contributed to an accident resulting in death or
32 injury requiring immediate professional treatment in a

1 medical facility or doctor's office to any person, except
2 that any suspension or revocation imposed by the Secretary
3 of State under the provisions of this subsection shall
4 start no later than 6 months after being convicted of
5 violating a law or ordinance regulating the movement of
6 traffic, which violation is related to the accident, or
7 shall start not more than one year after the date of the
8 accident, whichever date occurs later;

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

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

15 7. Has refused or failed to submit to an examination
16 provided for by Section 6-207 or has failed to pass the
17 examination;

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

20 9. Has made a false statement or knowingly concealed a
21 material fact or has used false information or
22 identification in any application for a license,
23 identification card, or permit;

24 10. Has possessed, displayed, or attempted to
25 fraudulently use any license, identification card, or
26 permit not issued to the person;

27 11. Has operated a motor vehicle upon a highway of this
28 State when the person's driving privilege or privilege to
29 obtain a driver's license or permit was revoked or
30 suspended unless the operation was authorized by a judicial
31 driving permit, probationary license to drive, or a
32 restricted driving permit issued under this Code;

33 12. Has submitted to any portion of the application
34 process for another person or has obtained the services of
35 another person to submit to any portion of the application
36 process for the purpose of obtaining a license,

1 identification card, or permit for some other person;

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

5 14. Has committed a violation of Section 6-301,
6 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
7 of the Illinois Identification Card Act;

8 15. Has been convicted of violating Section 21-2 of the
9 Criminal Code of 1961 relating to criminal trespass to
10 vehicles in which case, the suspension shall be for one
11 year;

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

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

18 18. Has, since issuance of a driver's license or
19 permit, been adjudged to be afflicted with or suffering
20 from any mental disability or disease;

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

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

26 21. Has been convicted of violating Section 11-402 of
27 this Code relating to leaving the scene of an accident
28 resulting in damage to a vehicle in excess of \$1,000, in
29 which case the suspension shall be for one year;

30 22. Has used a motor vehicle in violating paragraph
31 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
32 the Criminal Code of 1961 relating to unlawful use of
33 weapons, in which case the suspension shall be for one
34 year;

35 23. Has, as a driver, been convicted of committing a
36 violation of paragraph (a) of Section 11-502 of this Code

1 for a second or subsequent time within one year of a
2 similar violation;

3 24. Has been convicted by a court-martial or punished
4 by non-judicial punishment by military authorities of the
5 United States at a military installation in Illinois of or
6 for a traffic related offense that is the same as or
7 similar to an offense specified under Section 6-205 or
8 6-206 of this Code;

9 25. Has permitted any form of identification to be used
10 by another in the application process in order to obtain or
11 attempt to obtain a license, identification card, or
12 permit;

13 26. Has altered or attempted to alter a license or has
14 possessed an altered license, identification card, or
15 permit;

16 27. Has violated Section 6-16 of the Liquor Control Act
17 of 1934;

18 28. Has been convicted of the illegal possession, while
19 operating or in actual physical control, as a driver, of a
20 motor vehicle, of any controlled substance prohibited
21 under the Illinois Controlled Substances Act or any
22 cannabis prohibited under the provisions of the Cannabis
23 Control Act, in which case the person's driving privileges
24 shall be suspended for one year, and any driver who is
25 convicted of a second or subsequent offense, within 5 years
26 of a previous conviction, for the illegal possession, while
27 operating or in actual physical control, as a driver, of a
28 motor vehicle, of any controlled substance prohibited
29 under the provisions of the Illinois Controlled Substances
30 Act or any cannabis prohibited under the Cannabis Control
31 Act shall be suspended for 5 years. Any defendant found
32 guilty of this offense while operating a motor vehicle,
33 shall have an entry made in the court record by the
34 presiding judge that this offense did occur while the
35 defendant was operating a motor vehicle and order the clerk
36 of the court to report the violation to the Secretary of

1 State;

2 29. Has been convicted of the following offenses that
3 were committed while the person was operating or in actual
4 physical control, as a driver, of a motor vehicle: criminal
5 sexual assault, predatory criminal sexual assault of a
6 child, aggravated criminal sexual assault, criminal sexual
7 abuse, aggravated criminal sexual abuse, juvenile pimping,
8 soliciting for a juvenile prostitute and the manufacture,
9 sale or delivery of controlled substances or instruments
10 used for illegal drug use or abuse in which case the
11 driver's driving privileges shall be suspended for one
12 year;

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

17 31. Has refused to submit to a test as required by
18 Section 11-501.6 or has submitted to a test resulting in an
19 alcohol concentration of 0.08 or more or any amount of a
20 drug, substance, or compound resulting from the unlawful
21 use or consumption of cannabis as listed in the Cannabis
22 Control Act, a controlled substance as listed in the
23 Illinois Controlled Substances Act, or an intoxicating
24 compound as listed in the Use of Intoxicating Compounds
25 Act, in which case the penalty shall be as prescribed in
26 Section 6-208.1;

27 32. Has been convicted of Section 24-1.2 of the
28 Criminal Code of 1961 relating to the aggravated discharge
29 of a firearm if the offender was located in a motor vehicle
30 at the time the firearm was discharged, in which case the
31 suspension shall be for 3 years;

32 33. Has as a driver, who was less than 21 years of age
33 on the date of the offense, been convicted a first time of
34 a violation of paragraph (a) of Section 11-502 of this Code
35 or a similar provision of a local ordinance;

36 34. Has committed a violation of Section 11-1301.5 of

1 this Code;

2 35. Has committed a violation of Section 11-1301.6 of
3 this Code;

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

10 37. Has committed a violation of subsection (c) of
11 Section 11-907 of this Code;

12 38. Has been convicted of a violation of Section 6-20
13 of the Liquor Control Act of 1934 or a similar provision of
14 a local ordinance; ~~or~~

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

17 40. Has committed a second or subsequent violation of
18 Section 11-605.1 of this Code within 2 years of the date of
19 the previous violation, in which case the suspension shall
20 be for 90 days.

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

28 (b) If any conviction forming the basis of a suspension or
29 revocation authorized under this Section is appealed, the
30 Secretary of State may rescind or withhold the entry of the
31 order of suspension or revocation, as the case may be, provided
32 that a certified copy of a stay order of a court is filed with
33 the Secretary of State. If the conviction is affirmed on
34 appeal, the date of the conviction shall relate back to the
35 time the original judgment of conviction was entered and the 6
36 month limitation prescribed shall not apply.

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

7 2. If the Secretary of State suspends the driver's
8 license of a person under subsection 2 of paragraph (a) of
9 this Section, a person's privilege to operate a vehicle as
10 an occupation shall not be suspended, provided an affidavit
11 is properly completed, the appropriate fee received, and a
12 permit issued prior to the effective date of the
13 suspension, unless 5 offenses were committed, at least 2 of
14 which occurred while operating a commercial vehicle in
15 connection with the driver's regular occupation. All other
16 driving privileges shall be suspended by the Secretary of
17 State. Any driver prior to operating a vehicle for
18 occupational purposes only must submit the affidavit on
19 forms to be provided by the Secretary of State setting
20 forth the facts of the person's occupation. The affidavit
21 shall also state the number of offenses committed while
22 operating a vehicle in connection with the driver's regular
23 occupation. The affidavit shall be accompanied by the
24 driver's license. Upon receipt of a properly completed
25 affidavit, the Secretary of State shall issue the driver a
26 permit to operate a vehicle in connection with the driver's
27 regular occupation only. Unless the permit is issued by the
28 Secretary of State prior to the date of suspension, the
29 privilege to drive any motor vehicle shall be suspended as
30 set forth in the notice that was mailed under this Section.
31 If an affidavit is received subsequent to the effective
32 date of this suspension, a permit may be issued for the
33 remainder of the suspension period.

34 The provisions of this subparagraph shall not apply to
35 any driver required to obtain a commercial driver's license
36 under Section 6-507 during the period of a disqualification

1 of commercial driving privileges under Section 6-514.

2 Any person who falsely states any fact in the affidavit
3 required herein shall be guilty of perjury under Section
4 6-302 and upon conviction thereof shall have all driving
5 privileges revoked without further rights.

6 3. At the conclusion of a hearing under Section 2-118
7 of this Code, the Secretary of State shall either rescind
8 or continue an order of revocation or shall substitute an
9 order of suspension; or, good cause appearing therefor,
10 rescind, continue, change, or extend the order of
11 suspension. If the Secretary of State does not rescind the
12 order, the Secretary may upon application, to relieve undue
13 hardship, issue a restricted driving permit granting the
14 privilege of driving a motor vehicle between the
15 petitioner's residence and petitioner's place of
16 employment or within the scope of his employment related
17 duties, or to allow transportation for the petitioner, or a
18 household member of the petitioner's family, to receive
19 necessary medical care and if the professional evaluation
20 indicates, provide transportation for alcohol remedial or
21 rehabilitative activity, or for the petitioner to attend
22 classes, as a student, in an accredited educational
23 institution; if the petitioner is able to demonstrate that
24 no alternative means of transportation is reasonably
25 available and the petitioner will not endanger the public
26 safety or welfare.

27 If a person's license or permit has been revoked or
28 suspended due to 2 or more convictions of violating Section
29 11-501 of this Code or a similar provision of a local
30 ordinance or a similar out-of-state offense, arising out of
31 separate occurrences, that person, if issued a restricted
32 driving permit, may not operate a vehicle unless it has
33 been equipped with an ignition interlock device as defined
34 in Section 1-129.1.

35 If a person's license or permit has been revoked or
36 suspended 2 or more times within a 10 year period due to a

1 single conviction of violating Section 11-501 of this Code
2 or a similar provision of a local ordinance or a similar
3 out-of-state offense, and a statutory summary suspension
4 under Section 11-501.1, or 2 or more statutory summary
5 suspensions, or combination of 2 offenses, or of an offense
6 and a statutory summary suspension, arising out of separate
7 occurrences, that person, if issued a restricted driving
8 permit, may not operate a vehicle unless it has been
9 equipped with an ignition interlock device as defined in
10 Section 1-129.1. The person must pay to the Secretary of
11 State DUI Administration Fund an amount not to exceed \$20
12 per month. The Secretary shall establish by rule the amount
13 and the procedures, terms, and conditions relating to these
14 fees. If the restricted driving permit was issued for
15 employment purposes, then this provision does not apply to
16 the operation of an occupational vehicle owned or leased by
17 that person's employer. In each case the Secretary may
18 issue a restricted driving permit for a period deemed
19 appropriate, except that all permits shall expire within
20 one year from the date of issuance. The Secretary may not,
21 however, issue a restricted driving permit to any person
22 whose current revocation is the result of a second or
23 subsequent conviction for a violation of Section 11-501 of
24 this Code or a similar provision of a local ordinance
25 relating to the offense of operating or being in physical
26 control of a motor vehicle while under the influence of
27 alcohol, other drug or drugs, intoxicating compound or
28 compounds, or any similar out-of-state offense, or any
29 combination of those offenses, until the expiration of at
30 least one year from the date of the revocation. A
31 restricted driving permit issued under this Section shall
32 be subject to cancellation, revocation, and suspension by
33 the Secretary of State in like manner and for like cause as
34 a driver's license issued under this Code may be cancelled,
35 revoked, or suspended; except that a conviction upon one or
36 more 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
3 restricted driving permit. The Secretary of State may, as a
4 condition to the issuance of a restricted driving permit,
5 require the applicant to participate in a designated driver
6 remedial or rehabilitative program. The Secretary of State
7 is authorized to cancel a restricted driving permit if the
8 permit holder does not successfully complete the program.

9 (c-5) The Secretary of State may, as a condition of the
10 reissuance of a driver's license or permit to an applicant
11 whose driver's license or permit has been suspended before he
12 or she reached the age of 18 years pursuant to any of the
13 provisions of this Section, require the applicant to
14 participate in a driver remedial education course and be
15 retested under Section 6-109 of this Code.

16 (d) This Section is subject to the provisions of the
17 Drivers License Compact.

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

22 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
23 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
24 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

25 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

26 Sec. 11-605. Special speed limit while passing schools ~~or~~
27 ~~while traveling through highway construction or maintenance~~
28 ~~zones.~~

29 (a) For the purpose of this Section, "school" means the
30 following entities:

31 (1) A public or private primary or secondary school.

32 (2) A primary or secondary school operated by a
33 religious institution.

34 (3) A public, private, or religious nursery school.

35 On a school day when school children are present and so

1 close thereto that a potential hazard exists because of the
2 close proximity of the motorized traffic, no person shall drive
3 a motor vehicle at a speed in excess of 20 miles per hour while
4 passing a school zone or while traveling on a roadway on public
5 school property or upon any public thoroughfare where children
6 pass going to and from school.

7 For the purpose of this Section a school day shall begin at
8 seven ante meridian and shall conclude at four post meridian.

9 This Section shall not be applicable unless appropriate
10 signs are posted upon streets and highways under their
11 respective jurisdiction and maintained by the Department,
12 township, county, park district, city, village or incorporated
13 town wherein the school zone is located. With regard to the
14 special speed limit while passing schools, such signs shall
15 give proper due warning that a school zone is being approached
16 and shall indicate the school zone and the maximum speed limit
17 in effect during school days when school children are present.

18 (b) (Blank). ~~No person shall operate a motor vehicle in a~~
19 ~~construction or maintenance zone at a speed in excess of the~~
20 ~~posted speed limit when workers are present and so close to the~~
21 ~~moving traffic that a potential hazard exists because of the~~
22 ~~motorized traffic.~~

23 (c) Nothing in this Chapter shall prohibit the use of
24 electronic speed-detecting devices within 500 feet of signs
25 within a special school speed zone ~~or a construction or~~
26 ~~maintenance zone~~ indicating such zone, as defined in this
27 Section, nor shall evidence obtained thereby be inadmissible in
28 any prosecution for speeding provided the use of such device
29 shall apply only to the enforcement of the speed limit in such
30 special school speed zone ~~or a construction or maintenance~~
31 ~~zone.~~

32 (d) (Blank). ~~For the purpose of this Section, a~~
33 ~~construction or maintenance zone is an area in which the~~
34 ~~Department, Toll Highway Authority, or local agency has~~
35 ~~determined that the preexisting established speed limit~~
36 ~~through a highway construction or maintenance project is~~

1 ~~greater than is reasonable or safe with respect to the~~
2 ~~conditions expected to exist in the construction or maintenance~~
3 ~~zone and has posted a lower speed limit with a highway~~
4 ~~construction or maintenance zone special speed limit sign.~~

5 ~~Highway construction or maintenance zone special speed~~
6 ~~limit signs shall be of a design approved by the Department.~~
7 ~~The signs shall give proper due warning that a construction or~~
8 ~~maintenance zone is being approached and shall indicate the~~
9 ~~maximum speed limit in effect. The signs shall also state the~~
10 ~~amount of the minimum fine for a violation when workers are~~
11 ~~present.~~

12 (e) A first violation of this Section is a petty offense
13 with a minimum fine of \$150. A second or subsequent violation
14 of this Section is a petty offense with a minimum fine of \$300.

15 (f) When a fine for a violation of subsection (a) is \$150
16 or greater, the person who violates subsection (a) shall be
17 charged an additional \$50 to be paid to the unit school
18 district where the violation occurred for school safety
19 purposes. If the violation occurred in a dual school district,
20 \$25 of the surcharge shall be paid to the elementary school
21 district for school safety purposes and \$25 of the surcharge
22 shall be paid to the high school district for school safety
23 purposes. Notwithstanding any other provision of law, the
24 entire \$50 surcharge shall be paid to the appropriate school
25 district or districts.

26 For purposes of this subsection (f), "school safety
27 purposes" includes the costs associated with school zone safety
28 education and the purchase, installation, and maintenance of
29 caution lights which are mounted on school speed zone signs.

30 (g) (Blank). ~~When a fine for a violation of subsection (b)~~
31 ~~is \$150 or greater, the person who violates subsection (b)~~
32 ~~shall be charged an additional \$50. The \$50 surcharge shall be~~
33 ~~deposited into the Transportation Safety Highway Hire-back~~
34 ~~Fund.~~

35 (h) (Blank). ~~The Transportation Safety Highway Hire-back~~
36 ~~Fund is created as a special fund in the State treasury.~~

1 ~~Subject to appropriation by the General Assembly and approval~~
2 ~~by the Secretary, the Secretary of Transportation shall use all~~
3 ~~moneys in the Transportation Safety Highway Hire-back Fund to~~
4 ~~hire off-duty Department of State Police officers to monitor~~
5 ~~construction or maintenance zones.~~

6 (Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02; 92-619,
7 eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)

8 (625 ILCS 5/11-605.1 new)

9 Sec. 11-605.1. Special limit while traveling through a
10 highway construction or maintenance speed zone.

11 (a) A person may not operate a motor vehicle in a
12 construction or maintenance speed zone at a speed in excess of
13 the posted speed limit.

14 (b) Nothing in this Chapter prohibits the use of electronic
15 speed-detecting devices within 500 feet of signs within a
16 construction or maintenance speed zone indicating the zone, as
17 defined in this Section, nor shall evidence obtained by use of
18 those devices be inadmissible in any prosecution for speeding,
19 provided the use of the device shall apply only to the
20 enforcement of the speed limit in the construction or
21 maintenance speed zone.

22 (c) As used in this Section, a "construction or maintenance
23 speed zone" is an area in which the Department, Toll Highway
24 Authority, or local agency has determined that the preexisting
25 established speed limit through a highway construction or
26 maintenance project is greater than is reasonable or safe with
27 respect to the conditions expected to exist in the construction
28 or maintenance speed zone and has posted a lower speed limit
29 with a highway construction or maintenance speed zone special
30 speed limit sign.

31 Highway construction or maintenance speed zone special
32 speed limit signs shall be of a design approved by the
33 Department. The signs must give proper due warning that a
34 construction or maintenance speed zone is being approached and
35 must indicate the maximum speed limit in effect. The signs also

1 must state the amount of the minimum fine for a violation.

2 (d) A first violation of this Section is a petty offense
3 with a minimum fine of \$250. A second or subsequent violation
4 of this Section is a petty offense with a minimum fine of \$750.

5 (e) If a fine for a violation of this Section is \$250 or
6 greater, the person who violated this Section shall be charged
7 an additional \$125, which shall be deposited into the
8 Transportation Safety Highway Hire-back Fund. In the case of a
9 second or subsequent violation of this Section, if the fine is
10 \$750 or greater, the person who violated this Section shall be
11 charged an additional \$250, which shall be deposited into the
12 Transportation Safety Highway Hire-back Fund.

13 (f) The Transportation Safety Highway Hire-back Fund,
14 which was created by Public Act 92-619, shall continue to be a
15 special fund in the State treasury. Subject to appropriation by
16 the General Assembly and approval by the Secretary, the
17 Secretary of Transportation shall use all moneys in the
18 Transportation Safety Highway Hire-back Fund to hire off-duty
19 Department of State Police officers to monitor construction or
20 maintenance zones.

21 (g) For a second or subsequent violation of this Section
22 within 2 years of the date of the previous violation, the
23 Secretary of State shall suspend the driver's license of the
24 violator for a period of 90 days.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.