

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 changing Section 6-101 as follows:

6 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

7 Sec. 6-101. Drivers must have licenses or Permits.

8 (a) No person, except those expressly exempted by
9 Section 6-102, shall drive any motor vehicle upon a highway
10 in this State unless such person has a valid license or
11 permit, or a restricted driving permit, issued under the
12 provisions of this Act.

13 (b) No person shall drive a motor vehicle unless he
14 holds a valid license or permit, or a restricted driving
15 permit issued under the provisions of Section 6-205, 6-206,
16 or 6-113 of this Act. Any person to whom a license is issued
17 under the provisions of this Act must surrender to the
18 Secretary of State all valid licenses or permits. No drivers
19 license shall be issued to any person who holds a valid
20 Foreign State license unless such person first surrenders to
21 the Secretary of State any such valid Foreign State license.

22 (c) Any person licensed as a driver hereunder shall not
23 be required by any city, village, incorporated town or other
24 municipal corporation to obtain any other license to exercise
25 the privilege thereby granted.

26 (d) In addition to other penalties imposed under this
27 Section, any person in violation of this Section who is also
28 in violation of Section 7-601 of this Code relating to
29 mandatory insurance requirements shall have his or her motor
30 vehicle immediately impounded by the arresting law
31 enforcement officer. The motor vehicle may be released to

1 any licensed driver upon a showing of proof of insurance for
2 the motor vehicle that was impounded and the notarized
3 written consent for the release by the vehicle owner.

4 (e) In addition to other penalties imposed under this
5 Section, the vehicle of any person in violation of this
6 Section who is also in violation of Section 7-601 of this
7 Code relating to mandatory insurance requirements and who, in
8 violating this Section, has caused death or personal injury
9 to another person is subject to forfeiture under Sections
10 36-1 and 36-2 of the Criminal Code of 1961. For the purposes
11 of this Section, a personal injury shall include any type A
12 injury as indicated on the traffic accident report completed
13 by a law enforcement officer that requires immediate
14 professional attention in either a doctor's office or a
15 medical facility. A type A injury shall include severely
16 bleeding wounds, distorted extremities, and injuries that
17 require the injured party to be carried from the scene.

18 (Source: P.A. 90-559, eff. 6-1-98.)

19 Section 10. The Criminal Code of 1961 is amended by
20 changing Section 36-1 as follows:

21 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

22 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft
23 used with the knowledge and consent of the owner in the
24 commission of, or in the attempt to commit as defined in
25 Section 8-4 of this Code, an offense prohibited by (a)
26 Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2,
27 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3,
28 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2,
29 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code,
30 paragraph (a) of Section 12-4 of this Code, paragraph (a) of
31 Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16
32 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1

1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the
2 Cigarette Tax Act if the vessel, vehicle or aircraft contains
3 more than 10 cartons of such cigarettes; (c) Section 28, 29
4 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or
5 aircraft contains more than 10 cartons of such cigarettes;
6 (d) Section 44 of the Environmental Protection Act; (e)
7 11-204.1 of the Illinois Vehicle Code; (f) the offenses
8 described in the following provisions of the Illinois Vehicle
9 Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),
10 (c-1)(3), (d)(1)(A), or (d)(1)(D); or (g) an offense
11 described in subsection (g) of Section 6-303 of the Illinois
12 Vehicle Code; or (h) an offense described in subsection (e)
13 of Section 6-101 of the Illinois Vehicle Code; may be seized
14 and delivered forthwith to the sheriff of the county of
15 seizure.

16 Within 15 days after such delivery the sheriff shall give
17 notice of seizure to each person according to the following
18 method: Upon each such person whose right, title or interest
19 is of record in the office of the Secretary of State, the
20 Secretary of Transportation, the Administrator of the Federal
21 Aviation Agency, or any other Department of this State, or
22 any other state of the United States if such vessel, vehicle
23 or aircraft is required to be so registered, as the case may
24 be, by mailing a copy of the notice by certified mail to the
25 address as given upon the records of the Secretary of State,
26 the Department of Aeronautics, Department of Public Works and
27 Buildings or any other Department of this State or the United
28 States if such vessel, vehicle or aircraft is required to be
29 so registered. Within that 15 day period the sheriff shall
30 also notify the State's Attorney of the county of seizure
31 about the seizure.

32 In addition, any mobile or portable equipment used in the
33 commission of an act which is in violation of Section 7g of
34 the Metropolitan Water Reclamation District Act shall be

1 subject to seizure and forfeiture under the same procedures
2 provided in this Article for the seizure and forfeiture of
3 vessels, vehicles and aircraft, and any such equipment shall
4 be deemed a vessel, vehicle or aircraft for purposes of this
5 Article.

6 When a person discharges a firearm at another individual
7 from a vehicle with the knowledge and consent of the owner of
8 the vehicle and with the intent to cause death or great
9 bodily harm to that individual and as a result causes death
10 or great bodily harm to that individual, the vehicle shall be
11 subject to seizure and forfeiture under the same procedures
12 provided in this Article for the seizure and forfeiture of
13 vehicles used in violations of clauses (a), (b), (c), or (d)
14 of this Section.

15 If the spouse of the owner of a vehicle seized for an
16 offense described in subsection (g) of Section 6-303 of the
17 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
18 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
19 of the Illinois Vehicle Code, or Section 9-3 of this Code
20 makes a showing that the seized vehicle is the only source of
21 transportation and it is determined that the financial
22 hardship to the family as a result of the seizure outweighs
23 the benefit to the State from the seizure, the vehicle may be
24 forfeited to the spouse or family member and the title to the
25 vehicle shall be transferred to the spouse or family member
26 who is properly licensed and who requires the use of the
27 vehicle for employment or family transportation purposes. A
28 written declaration of forfeiture of a vehicle under this
29 Section shall be sufficient cause for the title to be
30 transferred to the spouse or family member. The provisions
31 of this paragraph shall apply only to one forfeiture per
32 vehicle. If the vehicle is the subject of a subsequent
33 forfeiture proceeding by virtue of a subsequent conviction of
34 either spouse or the family member, the spouse or family

1 member to whom the vehicle was forfeited under the first
2 forfeiture proceeding may not utilize the provisions of this
3 paragraph in another forfeiture proceeding. If the owner of
4 the vehicle seized owns more than one vehicle, the procedure
5 set out in this paragraph may be used for only one vehicle.

6 Property declared contraband under Section 40 of the
7 Illinois Streetgang Terrorism Omnibus Prevention Act may be
8 seized and forfeited under this Article.

9 (Source: P.A. 91-876, eff. 1-1-01; 92-57, eff. 1-1-02;
10 92-688, eff. 7-16-02.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.