

HB3130



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3130

Introduced 2/22/2005, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-514

from Ch. 95 1/2, par. 6-514

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning commercial driver's licenses.

LRB094 08504 DRH 38711 b

A BILL FOR

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 Section 6-514 as follows:

6 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

7 Sec. 6-514. Commercial Driver's License (CDL) -
8 Disqualifications.

9 (a) A person shall be disqualified from driving a
10 commercial motor vehicle for a period of not less than 12
11 months for the ~~the~~ first violation of:

12 (1) Refusing to submit to or failure to complete a test
13 or tests to determine the driver's blood concentration of
14 alcohol, other drug, or both, while driving a commercial
15 motor vehicle; or

16 (2) Operating a commercial motor vehicle while the
17 alcohol concentration of the person's blood, breath or
18 urine is at least 0.04, or any amount of a drug, substance,
19 or compound in the person's blood or urine resulting from
20 the unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act or a controlled substance listed in
22 the Illinois Controlled Substances Act as indicated by a
23 police officer's sworn report or other verified evidence;
24 or

25 (3) Conviction for a first violation of:

26 (i) Driving a commercial motor vehicle while under
27 the influence of alcohol, or any other drug, or
28 combination of drugs to a degree which renders such
29 person incapable of safely driving; or

30 (ii) Knowingly and wilfully leaving the scene of an
31 accident while operating a commercial motor vehicle;
32 or

1 (iii) Driving a commercial motor vehicle while
2 committing any felony.

3 If any of the above violations or refusals occurred
4 while transporting hazardous material(s) required to be
5 placarded, the person shall be disqualified for a period of
6 not less than 3 years.

7 (b) A person is disqualified for life for a second
8 conviction of any of the offenses specified in paragraph (a),
9 or any combination of those offenses, arising from 2 or more
10 separate incidents.

11 (c) A person is disqualified from driving a commercial
12 motor vehicle for life who uses a commercial motor vehicle in
13 the commission of any felony involving the manufacture,
14 distribution, or dispensing of a controlled substance, or
15 possession with intent to manufacture, distribute or dispense a
16 controlled substance.

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

26 (e) A person is disqualified from driving a commercial
27 motor vehicle for a period of not less than 2 months if
28 convicted of 2 serious traffic violations, committed in a
29 commercial motor vehicle, arising from separate incidents,
30 occurring within a 3 year period. However, a person will be
31 disqualified from driving a commercial motor vehicle for a
32 period of not less than 4 months if convicted of 3 serious
33 traffic violations, committed in a commercial motor vehicle,
34 arising from separate incidents, occurring within a 3 year
35 period.

36 (f) Notwithstanding any other provision of this Code, any

1 driver disqualified from operating a commercial motor vehicle,
2 pursuant to this UCCLA, shall not be eligible for restoration
3 of commercial driving privileges during any such period of
4 disqualification.

5 (g) After suspending, revoking, or cancelling a commercial
6 driver's license, the Secretary of State must update the
7 driver's records to reflect such action within 10 days. After
8 suspending or revoking the driving privilege of any person who
9 has been issued a CDL or commercial driver instruction permit
10 from another jurisdiction, the Secretary shall originate
11 notification to such issuing jurisdiction within 10 days.

12 (h) The "disqualifications" referred to in this Section
13 shall not be imposed upon any commercial motor vehicle driver,
14 by the Secretary of State, unless the prohibited action(s)
15 occurred after March 31, 1992.

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

18 (1) For 6 months upon a first conviction of paragraph
19 (2) of subsection (b) of Section 6-507 of this Code.

20 (2) For one year upon a second conviction of paragraph
21 (2) of subsection (b) of Section 6-507 of this Code within
22 a 10-year period.

23 (3) For 3 years upon a third or subsequent conviction
24 of paragraph (2) of subsection (b) of Section 6-507 of this
25 Code within a 10-year period.

26 (4) For one year upon a first conviction of paragraph
27 (3) of subsection (b) of Section 6-507 of this Code.

28 (5) For 3 years upon a second conviction of paragraph
29 (3) of subsection (b) of Section 6-507 of this Code within
30 a 10-year period.

31 (6) For 5 years upon a third or subsequent conviction
32 of paragraph (3) of subsection (b) of Section 6-507 of this
33 Code within a 10-year period.

34 (j) Disqualification for railroad-highway grade crossing
35 violation.

36 (1) General rule. A driver who is convicted of a

1 violation of a federal, State, or local law or regulation
2 pertaining to one of the following 6 offenses at a
3 railroad-highway grade crossing must be disqualified from
4 operating a commercial motor vehicle for the period of time
5 specified in paragraph (2) of this subsection (j) if the
6 offense was committed while operating a commercial motor
7 vehicle:

8 (i) For drivers who are not required to always
9 stop, failing to slow down and check that the tracks
10 are clear of an approaching train, as described in
11 subsection (a-5) of Section 11-1201 of this Code;

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

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

19 (iv) For all drivers, failing to have sufficient
20 space to drive completely through the crossing without
21 stopping, as described in subsection (b) of Section
22 11-1425 of this Code;

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

27 (vi) For all drivers, failing to negotiate a
28 crossing because of insufficient undercarriage
29 clearance, as described in subsection (d-1) of Section
30 11-1201 of this Code.

31 (2) Duration of disqualification for railroad-highway
32 grade crossing violation.

33 (i) First violation. A driver must be disqualified
34 from operating a commercial motor vehicle for not less
35 than 60 days if the driver is convicted of a violation
36 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 for
10 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 (Source: P.A. 92-249, eff. 1-1-02; 92-834, eff. 8-22-02.)