



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0518

Introduced 2/1/2007, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-123	from Ch. 95 1/2, par. 2-123
625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
625 ILCS 5/11-501.1	from Ch. 95 1/2, par. 11-501.1
625 ILCS 5/11-501.8	

Amends the Illinois Vehicle Code. Provides that the Secretary of State may, without fee, allow the parent or guardian of a person under the age of 18 years, who holds a graduated driver's license or an instruction permit, to view the person's driving record online through a computer connection. Effective January 1, 2008.

LRB095 05320 DRH 27129 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 2-123, 6-204, 11-501.1, and 11-501.8 as follows:

6 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

7 Sec. 2-123. Sale and Distribution of Information.

8 (a) Except as otherwise provided in this Section, the
9 Secretary may make the driver's license, vehicle and title
10 registration lists, in part or in whole, and any statistical
11 information derived from these lists available to local
12 governments, elected state officials, state educational
13 institutions, and all other governmental units of the State and
14 Federal Government requesting them for governmental purposes.
15 The Secretary shall require any such applicant for services to
16 pay for the costs of furnishing such services and the use of
17 the equipment involved, and in addition is empowered to
18 establish prices and charges for the services so furnished and
19 for the use of the electronic equipment utilized.

20 (b) The Secretary is further empowered to and he may, in
21 his discretion, furnish to any applicant, other than listed in
22 subsection (a) of this Section, vehicle or driver data on a
23 computer tape, disk, other electronic format or computer

1 processable medium, or printout at a fixed fee of \$250 for
2 orders received before October 1, 2003 and \$500 for orders
3 received on or after October 1, 2003, in advance, and require
4 in addition a further sufficient deposit based upon the
5 Secretary of State's estimate of the total cost of the
6 information requested and a charge of \$25 for orders received
7 before October 1, 2003 and \$50 for orders received on or after
8 October 1, 2003, per 1,000 units or part thereof identified or
9 the actual cost, whichever is greater. The Secretary is
10 authorized to refund any difference between the additional
11 deposit and the actual cost of the request. This service shall
12 not be in lieu of an abstract of a driver's record nor of a
13 title or registration search. This service may be limited to
14 entities purchasing a minimum number of records as required by
15 administrative rule. The information sold pursuant to this
16 subsection shall be the entire vehicle or driver data list, or
17 part thereof. The information sold pursuant to this subsection
18 shall not contain personally identifying information unless
19 the information is to be used for one of the purposes
20 identified in subsection (f-5) of this Section. Commercial
21 purchasers of driver and vehicle record databases shall enter
22 into a written agreement with the Secretary of State that
23 includes disclosure of the commercial use of the information to
24 be purchased.

25 (b-1) The Secretary is further empowered to and may, in his
26 or her discretion, furnish vehicle or driver data on a computer

1 tape, disk, or other electronic format or computer processible
2 medium, at no fee, to any State or local governmental agency
3 that uses the information provided by the Secretary to transmit
4 data back to the Secretary that enables the Secretary to
5 maintain accurate driving records, including dispositions of
6 traffic cases. This information may be provided without fee not
7 more often than once every 6 months.

8 (c) Secretary of State may issue registration lists. The
9 Secretary of State shall compile and publish, at least
10 annually, a list of all registered vehicles. Each list of
11 registered vehicles shall be arranged serially according to the
12 registration numbers assigned to registered vehicles and shall
13 contain in addition the names and addresses of registered
14 owners and a brief description of each vehicle including the
15 serial or other identifying number thereof. Such compilation
16 may be in such form as in the discretion of the Secretary of
17 State may seem best for the purposes intended.

18 (d) The Secretary of State shall furnish no more than 2
19 current available lists of such registrations to the sheriffs
20 of all counties and to the chiefs of police of all cities and
21 villages and towns of 2,000 population and over in this State
22 at no cost. Additional copies may be purchased by the sheriffs
23 or chiefs of police at the fee of \$500 each or at the cost of
24 producing the list as determined by the Secretary of State.
25 Such lists are to be used for governmental purposes only.

26 (e) (Blank).

1 (e-1) (Blank).

2 (f) The Secretary of State shall make a title or
3 registration search of the records of his office and a written
4 report on the same for any person, upon written application of
5 such person, accompanied by a fee of \$5 for each registration
6 or title search. The written application shall set forth the
7 intended use of the requested information. No fee shall be
8 charged for a title or registration search, or for the
9 certification thereof requested by a government agency. The
10 report of the title or registration search shall not contain
11 personally identifying information unless the request for a
12 search was made for one of the purposes identified in
13 subsection (f-5) of this Section. The report of the title or
14 registration search shall not contain highly restricted
15 personal information unless specifically authorized by this
16 Code.

17 The Secretary of State shall certify a title or
18 registration record upon written request. The fee for
19 certification shall be \$5 in addition to the fee required for a
20 title or registration search. Certification shall be made under
21 the signature of the Secretary of State and shall be
22 authenticated by Seal of the Secretary of State.

23 The Secretary of State may notify the vehicle owner or
24 registrant of the request for purchase of his title or
25 registration information as the Secretary deems appropriate.

26 No information shall be released to the requestor until

1 expiration of a 10 day period. This 10 day period shall not
2 apply to requests for information made by law enforcement
3 officials, government agencies, financial institutions,
4 attorneys, insurers, employers, automobile associated
5 businesses, persons licensed as a private detective or firms
6 licensed as a private detective agency under the Private
7 Detective, Private Alarm, Private Security, and Locksmith Act
8 of 2004, who are employed by or are acting on behalf of law
9 enforcement officials, government agencies, financial
10 institutions, attorneys, insurers, employers, automobile
11 associated businesses, and other business entities for
12 purposes consistent with the Illinois Vehicle Code, the vehicle
13 owner or registrant or other entities as the Secretary may
14 exempt by rule and regulation.

15 Any misrepresentation made by a requestor of title or
16 vehicle information shall be punishable as a petty offense,
17 except in the case of persons licensed as a private detective
18 or firms licensed as a private detective agency which shall be
19 subject to disciplinary sanctions under Section 40-10 of the
20 Private Detective, Private Alarm, Private Security, and
21 Locksmith Act of 2004.

22 (f-5) The Secretary of State shall not disclose or
23 otherwise make available to any person or entity any personally
24 identifying information obtained by the Secretary of State in
25 connection with a driver's license, vehicle, or title
26 registration record unless the information is disclosed for one

1 of the following purposes:

2 (1) For use by any government agency, including any
3 court or law enforcement agency, in carrying out its
4 functions, or any private person or entity acting on behalf
5 of a federal, State, or local agency in carrying out its
6 functions.

7 (2) For use in connection with matters of motor vehicle
8 or driver safety and theft; motor vehicle emissions; motor
9 vehicle product alterations, recalls, or advisories;
10 performance monitoring of motor vehicles, motor vehicle
11 parts, and dealers; and removal of non-owner records from
12 the original owner records of motor vehicle manufacturers.

13 (3) For use in the normal course of business by a
14 legitimate business or its agents, employees, or
15 contractors, but only:

16 (A) to verify the accuracy of personal information
17 submitted by an individual to the business or its
18 agents, employees, or contractors; and

19 (B) if such information as so submitted is not
20 correct or is no longer correct, to obtain the correct
21 information, but only for the purposes of preventing
22 fraud by, pursuing legal remedies against, or
23 recovering on a debt or security interest against, the
24 individual.

25 (4) For use in research activities and for use in
26 producing statistical reports, if the personally

1 identifying information is not published, redisclosed, or
2 used to contact individuals.

3 (5) For use in connection with any civil, criminal,
4 administrative, or arbitral proceeding in any federal,
5 State, or local court or agency or before any
6 self-regulatory body, including the service of process,
7 investigation in anticipation of litigation, and the
8 execution or enforcement of judgments and orders, or
9 pursuant to an order of a federal, State, or local court.

10 (6) For use by any insurer or insurance support
11 organization or by a self-insured entity or its agents,
12 employees, or contractors in connection with claims
13 investigation activities, antifraud activities, rating, or
14 underwriting.

15 (7) For use in providing notice to the owners of towed
16 or impounded vehicles.

17 (8) For use by any person licensed as a private
18 detective or firm licensed as a private detective agency
19 under the Private Detective, Private Alarm, Private
20 Security, and Locksmith Act of 1993, private investigative
21 agency or security service licensed in Illinois for any
22 purpose permitted under this subsection.

23 (9) For use by an employer or its agent or insurer to
24 obtain or verify information relating to a holder of a
25 commercial driver's license that is required under chapter
26 313 of title 49 of the United States Code.

1 (10) For use in connection with the operation of
2 private toll transportation facilities.

3 (11) For use by any requester, if the requester
4 demonstrates it has obtained the written consent of the
5 individual to whom the information pertains.

6 (12) For use by members of the news media, as defined
7 in Section 1-148.5, for the purpose of newsgathering when
8 the request relates to the operation of a motor vehicle or
9 public safety.

10 (13) For any other use specifically authorized by law,
11 if that use is related to the operation of a motor vehicle
12 or public safety.

13 (f-6) The Secretary of State shall not disclose or
14 otherwise make available to any person or entity any highly
15 restricted personal information obtained by the Secretary of
16 State in connection with a driver's license, vehicle, or title
17 registration record unless specifically authorized by this
18 Code.

19 (g) 1. The Secretary of State may, upon receipt of a
20 written request and a fee of \$6 before October 1, 2003 and
21 a fee of \$12 on and after October 1, 2003, furnish to the
22 person or agency so requesting a driver's record. Such
23 document may include a record of: current driver's license
24 issuance information, except that the information on
25 judicial driving permits shall be available only as
26 otherwise provided by this Code; convictions; orders

1 entered revoking, suspending or cancelling a driver's
2 license or privilege; and notations of accident
3 involvement. All other information, unless otherwise
4 permitted by this Code, shall remain confidential.
5 Information released pursuant to a request for a driver's
6 record shall not contain personally identifying
7 information, unless the request for the driver's record was
8 made for one of the purposes set forth in subsection (f-5)
9 of this Section. The Secretary of State may, without fee,
10 allow a parent or guardian of a person under the age of 18
11 years, who holds an instruction permit or graduated
12 driver's license, to view that person's driving record
13 online, through a computer connection. The parent or
14 guardian's online access to the driving record will
15 terminate when the instruction permit or graduated
16 driver's license holder reaches the age of 18.

17 2. The Secretary of State shall not disclose or
18 otherwise make available to any person or entity any highly
19 restricted personal information obtained by the Secretary
20 of State in connection with a driver's license, vehicle, or
21 title registration record unless specifically authorized
22 by this Code. The Secretary of State may certify an
23 abstract of a driver's record upon written request
24 therefor. Such certification shall be made under the
25 signature of the Secretary of State and shall be
26 authenticated by the Seal of his office.

1 3. All requests for driving record information shall be
2 made in a manner prescribed by the Secretary and shall set
3 forth the intended use of the requested information.

4 The Secretary of State may notify the affected driver
5 of the request for purchase of his driver's record as the
6 Secretary deems appropriate.

7 No information shall be released to the requester until
8 expiration of a 10 day period. This 10 day period shall not
9 apply to requests for information made by law enforcement
10 officials, government agencies, financial institutions,
11 attorneys, insurers, employers, automobile associated
12 businesses, persons licensed as a private detective or
13 firms licensed as a private detective agency under the
14 Private Detective, Private Alarm, Private Security, and
15 Locksmith Act of 2004, who are employed by or are acting on
16 behalf of law enforcement officials, government agencies,
17 financial institutions, attorneys, insurers, employers,
18 automobile associated businesses, and other business
19 entities for purposes consistent with the Illinois Vehicle
20 Code, the affected driver or other entities as the
21 Secretary may exempt by rule and regulation.

22 Any misrepresentation made by a requestor of driver
23 information shall be punishable as a petty offense, except
24 in the case of persons licensed as a private detective or
25 firms licensed as a private detective agency which shall be
26 subject to disciplinary sanctions under Section 40-10 of

1 the Private Detective, Private Alarm, Private Security,
2 and Locksmith Act of 2004.

3 4. The Secretary of State may furnish without fee, upon
4 the written request of a law enforcement agency, any
5 information from a driver's record on file with the
6 Secretary of State when such information is required in the
7 enforcement of this Code or any other law relating to the
8 operation of motor vehicles, including records of
9 dispositions; documented information involving the use of
10 a motor vehicle; whether such individual has, or previously
11 had, a driver's license; and the address and personal
12 description as reflected on said driver's record.

13 5. Except as otherwise provided in this Section, the
14 Secretary of State may furnish, without fee, information
15 from an individual driver's record on file, if a written
16 request therefor is submitted by any public transit system
17 or authority, public defender, law enforcement agency, a
18 state or federal agency, or an Illinois local
19 intergovernmental association, if the request is for the
20 purpose of a background check of applicants for employment
21 with the requesting agency, or for the purpose of an
22 official investigation conducted by the agency, or to
23 determine a current address for the driver so public funds
24 can be recovered or paid to the driver, or for any other
25 purpose set forth in subsection (f-5) of this Section.

26 The Secretary may also furnish the courts a copy of an

1 abstract of a driver's record, without fee, subsequent to
2 an arrest for a violation of Section 11-501 or a similar
3 provision of a local ordinance. Such abstract may include
4 records of dispositions; documented information involving
5 the use of a motor vehicle as contained in the current
6 file; whether such individual has, or previously had, a
7 driver's license; and the address and personal description
8 as reflected on said driver's record.

9 6. Any certified abstract issued by the Secretary of
10 State or transmitted electronically by the Secretary of
11 State pursuant to this Section, to a court or on request of
12 a law enforcement agency, for the record of a named person
13 as to the status of the person's driver's license shall be
14 prima facie evidence of the facts therein stated and if the
15 name appearing in such abstract is the same as that of a
16 person named in an information or warrant, such abstract
17 shall be prima facie evidence that the person named in such
18 information or warrant is the same person as the person
19 named in such abstract and shall be admissible for any
20 prosecution under this Code and be admitted as proof of any
21 prior conviction or proof of records, notices, or orders
22 recorded on individual driving records maintained by the
23 Secretary of State.

24 7. Subject to any restrictions contained in the
25 Juvenile Court Act of 1987, and upon receipt of a proper
26 request and a fee of \$6 before October 1, 2003 and a fee of

1 §12 on or after October 1, 2003, the Secretary of State
2 shall provide a driver's record to the affected driver, or
3 the affected driver's attorney, upon verification. Such
4 record shall contain all the information referred to in
5 paragraph 1 of this subsection (g) plus: any recorded
6 accident involvement as a driver; information recorded
7 pursuant to subsection (e) of Section 6-117 and paragraph
8 (4) of subsection (a) of Section 6-204 of this Code. All
9 other information, unless otherwise permitted by this
10 Code, shall remain confidential.

11 (h) The Secretary shall not disclose social security
12 numbers or any associated information obtained from the Social
13 Security Administration except pursuant to a written request
14 by, or with the prior written consent of, the individual
15 except: (1) to officers and employees of the Secretary who have
16 a need to know the social security numbers in performance of
17 their official duties, (2) to law enforcement officials for a
18 lawful, civil or criminal law enforcement investigation, and if
19 the head of the law enforcement agency has made a written
20 request to the Secretary specifying the law enforcement
21 investigation for which the social security numbers are being
22 sought, (3) to the United States Department of Transportation,
23 or any other State, pursuant to the administration and
24 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
25 (4) pursuant to the order of a court of competent jurisdiction,
26 or (5) to the Department of Healthcare and Family Services

1 (formerly Department of Public Aid) for utilization in the
2 child support enforcement duties assigned to that Department
3 under provisions of the Illinois Public Aid Code after the
4 individual has received advanced meaningful notification of
5 what redisclosure is sought by the Secretary in accordance with
6 the federal Privacy Act.

7 (i) (Blank).

8 (j) Medical statements or medical reports received in the
9 Secretary of State's Office shall be confidential. No
10 confidential information may be open to public inspection or
11 the contents disclosed to anyone, except officers and employees
12 of the Secretary who have a need to know the information
13 contained in the medical reports and the Driver License Medical
14 Advisory Board, unless so directed by an order of a court of
15 competent jurisdiction.

16 (k) All fees collected under this Section shall be paid
17 into the Road Fund of the State Treasury, except that (i) for
18 fees collected before October 1, 2003, \$3 of the \$6 fee for a
19 driver's record shall be paid into the Secretary of State
20 Special Services Fund, (ii) for fees collected on and after
21 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
22 be paid into the Secretary of State Special Services Fund and
23 \$6 shall be paid into the General Revenue Fund, and (iii) for
24 fees collected on and after October 1, 2003, 50% of the amounts
25 collected pursuant to subsection (b) shall be paid into the
26 General Revenue Fund.

1 (l) (Blank).

2 (m) Notations of accident involvement that may be disclosed
3 under this Section shall not include notations relating to
4 damage to a vehicle or other property being transported by a
5 tow truck. This information shall remain confidential,
6 provided that nothing in this subsection (m) shall limit
7 disclosure of any notification of accident involvement to any
8 law enforcement agency or official.

9 (n) Requests made by the news media for driver's license,
10 vehicle, or title registration information may be furnished
11 without charge or at a reduced charge, as determined by the
12 Secretary, when the specific purpose for requesting the
13 documents is deemed to be in the public interest. Waiver or
14 reduction of the fee is in the public interest if the principal
15 purpose of the request is to access and disseminate information
16 regarding the health, safety, and welfare or the legal rights
17 of the general public and is not for the principal purpose of
18 gaining a personal or commercial benefit. The information
19 provided pursuant to this subsection shall not contain
20 personally identifying information unless the information is
21 to be used for one of the purposes identified in subsection
22 (f-5) of this Section.

23 (o) The redisclosure of personally identifying information
24 obtained pursuant to this Section is prohibited, except to the
25 extent necessary to effectuate the purpose for which the
26 original disclosure of the information was permitted.

1 (p) The Secretary of State is empowered to adopt rules to
2 effectuate this Section.

3 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
4 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

5 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

6 Sec. 6-204. When Court to forward License and Reports.

7 (a) For the purpose of providing to the Secretary of State
8 the records essential to the performance of the Secretary's
9 duties under this Code to cancel, revoke or suspend the
10 driver's license and privilege to drive motor vehicles of
11 certain minors adjudicated truant minors in need of
12 supervision, addicted, or delinquent and of persons found
13 guilty of the criminal offenses or traffic violations which
14 this Code recognizes as evidence relating to unfitness to
15 safely operate motor vehicles, the following duties are imposed
16 upon public officials:

17 (1) Whenever any person is convicted of any offense for
18 which this Code makes mandatory the cancellation or
19 revocation of the driver's license or permit of such person
20 by the Secretary of State, the judge of the court in which
21 such conviction is had shall require the surrender to the
22 clerk of the court of all driver's licenses or permits then
23 held by the person so convicted, and the clerk of the court
24 shall, within 5 days thereafter, forward the same, together
25 with a report of such conviction, to the Secretary.

1 (2) Whenever any person is convicted of any offense
2 under this Code or similar offenses under a municipal
3 ordinance, other than regulations governing standing,
4 parking or weights of vehicles, and excepting the following
5 enumerated Sections of this Code: Sections 11-1406
6 (obstruction to driver's view or control), 11-1407
7 (improper opening of door into traffic), 11-1410 (coasting
8 on downgrade), 11-1411 (following fire apparatus),
9 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
10 vehicle which is in unsafe condition or improperly
11 equipped), 12-201(a) (daytime lights on motorcycles),
12 12-202 (clearance, identification and side marker lamps),
13 12-204 (lamp or flag on projecting load), 12-205 (failure
14 to display the safety lights required), 12-401
15 (restrictions as to tire equipment), 12-502 (mirrors),
16 12-503 (windshields must be unobstructed and equipped with
17 wipers), 12-601 (horns and warning devices), 12-602
18 (mufflers, prevention of noise or smoke), 12-603 (seat
19 safety belts), 12-702 (certain vehicles to carry flares or
20 other warning devices), 12-703 (vehicles for oiling roads
21 operated on highways), 12-710 (splash guards and
22 replacements), 13-101 (safety tests), 15-101 (size, weight
23 and load), 15-102 (width), 15-103 (height), 15-104 (name
24 and address on second division vehicles), 15-107 (length of
25 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
26 15-112 (weights), 15-301 (weights), 15-316 (weights),

1 15-318 (weights), and also excepting the following
2 enumerated Sections of the Chicago Municipal Code:
3 Sections 27-245 (following fire apparatus), 27-254
4 (obstruction of traffic), 27-258 (driving vehicle which is
5 in unsafe condition), 27-259 (coasting on downgrade),
6 27-264 (use of horns and signal devices), 27-265
7 (obstruction to driver's view or driver mechanism), 27-267
8 (dimming of headlights), 27-268 (unattended motor
9 vehicle), 27-272 (illegal funeral procession), 27-273
10 (funeral procession on boulevard), 27-275 (driving freight
11 hauling vehicles on boulevard), 27-276 (stopping and
12 standing of buses or taxicabs), 27-277 (cruising of public
13 passenger vehicles), 27-305 (parallel parking), 27-306
14 (diagonal parking), 27-307 (parking not to obstruct
15 traffic), 27-308 (stopping, standing or parking
16 regulated), 27-311 (parking regulations), 27-312 (parking
17 regulations), 27-313 (parking regulations), 27-314
18 (parking regulations), 27-315 (parking regulations),
19 27-316 (parking regulations), 27-317 (parking
20 regulations), 27-318 (parking regulations), 27-319
21 (parking regulations), 27-320 (parking regulations),
22 27-321 (parking regulations), 27-322 (parking
23 regulations), 27-324 (loading and unloading at an angle),
24 27-333 (wheel and axle loads), 27-334 (load restrictions in
25 the downtown district), 27-335 (load restrictions in
26 residential areas), 27-338 (width of vehicles), 27-339

1 (height of vehicles), 27-340 (length of vehicles), 27-352
2 (reflectors on trailers), 27-353 (mufflers), 27-354
3 (display of plates), 27-355 (display of city vehicle tax
4 sticker), 27-357 (identification of vehicles), 27-358
5 (projecting of loads), and also excepting the following
6 enumerated paragraphs of Section 2-201 of the Rules and
7 Regulations of the Illinois State Toll Highway Authority:
8 (l) (driving unsafe vehicle on tollway), (m) (vehicles
9 transporting dangerous cargo not properly indicated), it
10 shall be the duty of the clerk of the court in which such
11 conviction is had within 5 days thereafter to forward to
12 the Secretary of State a report of the conviction and the
13 court may recommend the suspension of the driver's license
14 or permit of the person so convicted.

15 The reporting requirements of this subsection shall apply
16 to all violations stated in paragraphs (1) and (2) of this
17 subsection when the individual has been adjudicated under the
18 Juvenile Court Act or the Juvenile Court Act of 1987. Such
19 reporting requirements shall also apply to individuals
20 adjudicated under the Juvenile Court Act or the Juvenile Court
21 Act of 1987 who have committed a violation of Section 11-501 of
22 this Code, or similar provision of a local ordinance, or
23 Section 9-3 of the Criminal Code of 1961, as amended, relating
24 to the offense of reckless homicide. The reporting requirements
25 of this subsection shall also apply to a truant minor in need
26 of supervision, an addicted minor, or a delinquent minor and

1 whose driver's license and privilege to drive a motor vehicle
2 has been ordered suspended for such times as determined by the
3 Court, but only until he or she attains 18 years of age. It
4 shall be the duty of the clerk of the court in which
5 adjudication is had within 5 days thereafter to forward to the
6 Secretary of State a report of the adjudication and the court
7 order requiring the Secretary of State to suspend the minor's
8 driver's license and driving privilege for such time as
9 determined by the Court, but only until he or she attains the
10 age of 18 years. All juvenile court dispositions reported to
11 the Secretary of State under this provision shall be processed
12 by the Secretary of State as if the cases had been adjudicated
13 in traffic or criminal court. However, information reported
14 relative to the offense of reckless homicide, or Section 11-501
15 of this Code, or a similar provision of a local ordinance,
16 shall be privileged and available only to the Secretary of
17 State, courts, and police officers.

18 The reporting requirements of this subsection (a)
19 apply to all violations listed in paragraphs (1) and (2) of
20 this subsection (a), excluding parking violations, when
21 the driver holds a CDL, regardless of the type of vehicle
22 in which the violation occurred, or when any driver
23 committed the violation in a commercial motor vehicle as
24 defined in Section 6-500 of this Code.

25 (3) Whenever an order is entered vacating the
26 forfeiture of any bail, security or bond given to secure

1 appearance for any offense under this Code or similar
2 offenses under municipal ordinance, it shall be the duty of
3 the clerk of the court in which such vacation was had or
4 the judge of such court if such court has no clerk, within
5 5 days thereafter to forward to the Secretary of State a
6 report of the vacation.

7 (4) A report of any disposition of court supervision
8 for a violation of Sections 6-303, 11-401, 11-501 or a
9 similar provision of a local ordinance, 11-503 and 11-504
10 shall be forwarded to the Secretary of State. A report of
11 any disposition of court supervision for a violation of an
12 offense defined as a serious traffic violation in this Code
13 or a similar provision of a local ordinance committed by a
14 person under the age of 21 years shall be forwarded to the
15 Secretary of State.

16 (5) Reports of conviction under this Code and
17 sentencing hearings under the Juvenile Court Act of 1987 in
18 an electronic format or a computer processible medium shall
19 be forwarded to the Secretary of State via the Supreme
20 Court in the form and format required by the Illinois
21 Supreme Court and established by a written agreement
22 between the Supreme Court and the Secretary of State. In
23 counties with a population over 300,000, instead of
24 forwarding reports to the Supreme Court, reports of
25 conviction under this Code and sentencing hearings under
26 the Juvenile Court Act of 1987 in an electronic format or a

1 computer processible medium may be forwarded to the
2 Secretary of State by the Circuit Court Clerk in a form and
3 format required by the Secretary of State and established
4 by written agreement between the Circuit Court Clerk and
5 the Secretary of State. Failure to forward the reports of
6 conviction or sentencing hearing under the Juvenile Court
7 Act of 1987 as required by this Section shall be deemed an
8 omission of duty and it shall be the duty of the several
9 State's Attorneys to enforce the requirements of this
10 Section.

11 (b) Whenever a restricted driving permit is forwarded to a
12 court, as a result of confiscation by a police officer pursuant
13 to the authority in Section 6-113(f), it shall be the duty of
14 the clerk, or judge, if the court has no clerk, to forward such
15 restricted driving permit and a facsimile of the officer's
16 citation to the Secretary of State as expeditiously as
17 practicable.

18 (c) For the purposes of this Code, a forfeiture of bail or
19 collateral deposited to secure a defendant's appearance in
20 court when forfeiture has not been vacated, or the failure of a
21 defendant to appear for trial after depositing his driver's
22 license in lieu of other bail, shall be equivalent to a
23 conviction.

24 (d) For the purpose of providing the Secretary of State
25 with records necessary to properly monitor and assess driver
26 performance and assist the courts in the proper disposition of

1 repeat traffic law offenders, the clerk of the court shall
2 forward to the Secretary of State, on a form prescribed by the
3 Secretary, records of a driver's participation in a driver
4 remedial or rehabilitative program which was required, through
5 a court order or court supervision, in relation to the driver's
6 arrest for a violation of Section 11-501 of this Code or a
7 similar provision of a local ordinance. The clerk of the court
8 shall also forward to the Secretary, either on paper or in an
9 electronic format or a computer processible medium as required
10 under paragraph (5) of subsection (a) of this Section, any
11 disposition of court supervision for any traffic violation,
12 excluding those offenses listed in paragraph (2) of subsection
13 (a) of this Section. These reports shall be sent within 5 days
14 after disposition, or, if the driver is referred to a driver
15 remedial or rehabilitative program, within 5 days of the
16 driver's referral to that program. These reports received by
17 the Secretary of State, including those required to be
18 forwarded under paragraph (a)(4), shall be privileged
19 information, available only (i) to the affected driver, (ii) to
20 the parent or guardian of a person under the age of 18 years
21 holding an instruction permit or a graduated driver's license,
22 and (iii) ~~(ii)~~ for use by the courts, police officers,
23 prosecuting authorities, and the Secretary of State. In
24 accordance with 49 C.F.R. Part 384, all reports of court
25 supervision, except violations related to parking, shall be
26 forwarded to the Secretary of State for all holders of a CDL or

1 any driver who commits an offense while driving a commercial
2 motor vehicle. These reports shall be recorded to the driver's
3 record as a conviction for use in the disqualification of the
4 driver's commercial motor vehicle privileges and shall not be
5 privileged information.

6 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06.)

7 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

8 Sec. 11-501.1. Suspension of drivers license; statutory
9 summary alcohol, other drug or drugs, or intoxicating compound
10 or compounds related suspension; implied consent.

11 (a) Any person who drives or is in actual physical control
12 of a motor vehicle upon the public highways of this State shall
13 be deemed to have given consent, subject to the provisions of
14 Section 11-501.2, to a chemical test or tests of blood, breath,
15 or urine for the purpose of determining the content of alcohol,
16 other drug or drugs, or intoxicating compound or compounds or
17 any combination thereof in the person's blood if arrested, as
18 evidenced by the issuance of a Uniform Traffic Ticket, for any
19 offense as defined in Section 11-501 or a similar provision of
20 a local ordinance, or if arrested for violating Section 11-401.
21 The test or tests shall be administered at the direction of the
22 arresting officer. The law enforcement agency employing the
23 officer shall designate which of the aforesaid tests shall be
24 administered. A urine test may be administered even after a
25 blood or breath test or both has been administered. For

1 purposes of this Section, an Illinois law enforcement officer
2 of this State who is investigating the person for any offense
3 defined in Section 11-501 may travel into an adjoining state,
4 where the person has been transported for medical care, to
5 complete an investigation and to request that the person submit
6 to the test or tests set forth in this Section. The
7 requirements of this Section that the person be arrested are
8 inapplicable, but the officer shall issue the person a Uniform
9 Traffic Ticket for an offense as defined in Section 11-501 or a
10 similar provision of a local ordinance prior to requesting that
11 the person submit to the test or tests. The issuance of the
12 Uniform Traffic Ticket shall not constitute an arrest, but
13 shall be for the purpose of notifying the person that he or she
14 is subject to the provisions of this Section and of the
15 officer's belief of the existence of probable cause to arrest.
16 Upon returning to this State, the officer shall file the
17 Uniform Traffic Ticket with the Circuit Clerk of the county
18 where the offense was committed, and shall seek the issuance of
19 an arrest warrant or a summons for the person.

20 (b) Any person who is dead, unconscious, or who is
21 otherwise in a condition rendering the person incapable of
22 refusal, shall be deemed not to have withdrawn the consent
23 provided by paragraph (a) of this Section and the test or tests
24 may be administered, subject to the provisions of Section
25 11-501.2.

26 (c) A person requested to submit to a test as provided

1 above shall be warned by the law enforcement officer requesting
2 the test that a refusal to submit to the test will result in
3 the statutory summary suspension of the person's privilege to
4 operate a motor vehicle as provided in Section 6-208.1 of this
5 Code. The person shall also be warned by the law enforcement
6 officer that if the person submits to the test or tests
7 provided in paragraph (a) of this Section and the alcohol
8 concentration in the person's blood or breath is 0.08 or
9 greater, or any amount of a drug, substance, or compound
10 resulting from the unlawful use or consumption of cannabis as
11 covered by the Cannabis Control Act, a controlled substance
12 listed in the Illinois Controlled Substances Act, or an
13 intoxicating compound listed in the Use of Intoxicating
14 Compounds Act is detected in the person's blood or urine, a
15 statutory summary suspension of the person's privilege to
16 operate a motor vehicle, as provided in Sections 6-208.1 and
17 11-501.1 of this Code, will be imposed.

18 A person who is under the age of 21 at the time the person
19 is requested to submit to a test as provided above shall, in
20 addition to the warnings provided for in this Section, be
21 further warned by the law enforcement officer requesting the
22 test that if the person submits to the test or tests provided
23 in paragraph (a) of this Section and the alcohol concentration
24 in the person's blood or breath is greater than 0.00 and less
25 than 0.08, a suspension of the person's privilege to operate a
26 motor vehicle, as provided under Sections 6-208.2 and 11-501.8

1 of this Code, will be imposed. The results of this test shall
2 be admissible in a civil or criminal action or proceeding
3 arising from an arrest for an offense as defined in Section
4 11-501 of this Code or a similar provision of a local ordinance
5 or pursuant to Section 11-501.4 in prosecutions for reckless
6 homicide brought under the Criminal Code of 1961. These test
7 results, however, shall be admissible only in actions or
8 proceedings directly related to the incident upon which the
9 test request was made.

10 (d) If the person refuses testing or submits to a test that
11 discloses an alcohol concentration of 0.08 or more, or any
12 amount of a drug, substance, or intoxicating compound in the
13 person's breath, blood, or urine resulting from the unlawful
14 use or consumption of cannabis listed in the Cannabis Control
15 Act, a controlled substance listed in the Illinois Controlled
16 Substances Act, or an intoxicating compound listed in the Use
17 of Intoxicating Compounds Act, the law enforcement officer
18 shall immediately submit a sworn report to the circuit court of
19 venue and the Secretary of State, certifying that the test or
20 tests was or were requested under paragraph (a) and the person
21 refused to submit to a test, or tests, or submitted to testing
22 that disclosed an alcohol concentration of 0.08 or more.

23 (e) Upon receipt of the sworn report of a law enforcement
24 officer submitted under paragraph (d), the Secretary of State
25 shall enter the statutory summary suspension for the periods
26 specified in Section 6-208.1, and effective as provided in

1 paragraph (g).

2 If the person is a first offender as defined in Section
3 11-500 of this Code, and is not convicted of a violation of
4 Section 11-501 of this Code or a similar provision of a local
5 ordinance, then reports received by the Secretary of State
6 under this Section shall, except during the actual time the
7 Statutory Summary Suspension is in effect, be privileged
8 information and for use only by the courts, police officers,
9 prosecuting authorities or the Secretary of State. Reports
10 received by the Secretary of State under this Section shall
11 also be made available to the parent or guardian of a person
12 under the age of 18 years that holds an instruction permit or a
13 graduated driver's license, regardless of whether the
14 statutory summary suspension is in effect.

15 (f) The law enforcement officer submitting the sworn report
16 under paragraph (d) shall serve immediate notice of the
17 statutory summary suspension on the person and the suspension
18 shall be effective as provided in paragraph (g). In cases where
19 the blood alcohol concentration of 0.08 or greater or any
20 amount of a drug, substance, or compound resulting from the
21 unlawful use or consumption of cannabis as covered by the
22 Cannabis Control Act, a controlled substance listed in the
23 Illinois Controlled Substances Act, or an intoxicating
24 compound listed in the Use of Intoxicating Compounds Act is
25 established by a subsequent analysis of blood or urine
26 collected at the time of arrest, the arresting officer or

1 arresting agency shall give notice as provided in this Section
2 or by deposit in the United States mail of the notice in an
3 envelope with postage prepaid and addressed to the person at
4 his address as shown on the Uniform Traffic Ticket and the
5 statutory summary suspension shall begin as provided in
6 paragraph (g). The officer shall confiscate any Illinois
7 driver's license or permit on the person at the time of arrest.
8 If the person has a valid driver's license or permit, the
9 officer shall issue the person a receipt, in a form prescribed
10 by the Secretary of State, that will allow that person to drive
11 during the periods provided for in paragraph (g). The officer
12 shall immediately forward the driver's license or permit to the
13 circuit court of venue along with the sworn report provided for
14 in paragraph (d).

15 (g) The statutory summary suspension referred to in this
16 Section shall take effect on the 46th day following the date
17 the notice of the statutory summary suspension was given to the
18 person.

19 (h) The following procedure shall apply whenever a person
20 is arrested for any offense as defined in Section 11-501 or a
21 similar provision of a local ordinance:

22 Upon receipt of the sworn report from the law enforcement
23 officer, the Secretary of State shall confirm the statutory
24 summary suspension by mailing a notice of the effective date of
25 the suspension to the person and the court of venue. However,
26 should the sworn report be defective by not containing

1 sufficient information or be completed in error, the
2 confirmation of the statutory summary suspension shall not be
3 mailed to the person or entered to the record; instead, the
4 sworn report shall be forwarded to the court of venue with a
5 copy returned to the issuing agency identifying any defect.

6 (Source: P.A. 94-115, eff. 1-1-06.)

7 (625 ILCS 5/11-501.8)

8 Sec. 11-501.8. Suspension of driver's license; persons
9 under age 21.

10 (a) A person who is less than 21 years of age and who
11 drives or is in actual physical control of a motor vehicle upon
12 the public highways of this State shall be deemed to have given
13 consent to a chemical test or tests of blood, breath, or urine
14 for the purpose of determining the alcohol content of the
15 person's blood if arrested, as evidenced by the issuance of a
16 Uniform Traffic Ticket for any violation of the Illinois
17 Vehicle Code or a similar provision of a local ordinance, if a
18 police officer has probable cause to believe that the driver
19 has consumed any amount of an alcoholic beverage based upon
20 evidence of the driver's physical condition or other first hand
21 knowledge of the police officer. The test or tests shall be
22 administered at the direction of the arresting officer. The law
23 enforcement agency employing the officer shall designate which
24 of the aforesaid tests shall be administered. A urine test may
25 be administered even after a blood or breath test or both has

1 been administered.

2 (b) A person who is dead, unconscious, or who is otherwise
3 in a condition rendering that person incapable of refusal,
4 shall be deemed not to have withdrawn the consent provided by
5 paragraph (a) of this Section and the test or tests may be
6 administered subject to the following provisions:

7 (i) Chemical analysis of the person's blood, urine,
8 breath, or other bodily substance, to be considered valid
9 under the provisions of this Section, shall have been
10 performed according to standards promulgated by the
11 Department of State Police by an individual possessing a
12 valid permit issued by that Department for this purpose.
13 The Director of State Police is authorized to approve
14 satisfactory techniques or methods, to ascertain the
15 qualifications and competence of individuals to conduct
16 analyses, to issue permits that shall be subject to
17 termination or revocation at the direction of that
18 Department, and to certify the accuracy of breath testing
19 equipment. The Department of State Police shall prescribe
20 regulations as necessary.

21 (ii) When a person submits to a blood test at the
22 request of a law enforcement officer under the provisions
23 of this Section, only a physician authorized to practice
24 medicine, a registered nurse, or other qualified person
25 trained in venipuncture and acting under the direction of a
26 licensed physician may withdraw blood for the purpose of

1 determining the alcohol content therein. This limitation
2 does not apply to the taking of breath or urine specimens.

3 (iii) The person tested may have a physician, qualified
4 technician, chemist, registered nurse, or other qualified
5 person of his or her own choosing administer a chemical
6 test or tests in addition to any test or tests administered
7 at the direction of a law enforcement officer. The failure
8 or inability to obtain an additional test by a person shall
9 not preclude the consideration of the previously performed
10 chemical test.

11 (iv) Upon a request of the person who submits to a
12 chemical test or tests at the request of a law enforcement
13 officer, full information concerning the test or tests
14 shall be made available to the person or that person's
15 attorney.

16 (v) Alcohol concentration means either grams of
17 alcohol per 100 milliliters of blood or grams of alcohol
18 per 210 liters of breath.

19 (vi) If a driver is receiving medical treatment as a
20 result of a motor vehicle accident, a physician licensed to
21 practice medicine, registered nurse, or other qualified
22 person trained in venipuncture and acting under the
23 direction of a licensed physician shall withdraw blood for
24 testing purposes to ascertain the presence of alcohol upon
25 the specific request of a law enforcement officer. However,
26 that testing shall not be performed until, in the opinion

1 of the medical personnel on scene, the withdrawal can be
2 made without interfering with or endangering the
3 well-being of the patient.

4 (c) A person requested to submit to a test as provided
5 above shall be warned by the law enforcement officer requesting
6 the test that a refusal to submit to the test, or submission to
7 the test resulting in an alcohol concentration of more than
8 0.00, may result in the loss of that person's privilege to
9 operate a motor vehicle. The loss of driving privileges shall
10 be imposed in accordance with Section 6-208.2 of this Code.

11 (d) If the person refuses testing or submits to a test that
12 discloses an alcohol concentration of more than 0.00, the law
13 enforcement officer shall immediately submit a sworn report to
14 the Secretary of State on a form prescribed by the Secretary of
15 State, certifying that the test or tests were requested under
16 subsection (a) and the person refused to submit to a test or
17 tests or submitted to testing which disclosed an alcohol
18 concentration of more than 0.00. The law enforcement officer
19 shall submit the same sworn report when a person under the age
20 of 21 submits to testing under Section 11-501.1 of this Code
21 and the testing discloses an alcohol concentration of more than
22 0.00 and less than 0.08.

23 Upon receipt of the sworn report of a law enforcement
24 officer, the Secretary of State shall enter the driver's
25 license sanction on the individual's driving record and the
26 sanctions shall be effective on the 46th day following the date

1 notice of the sanction was given to the person. If this
2 sanction is the individual's first driver's license suspension
3 under this Section, reports received by the Secretary of State
4 under this Section shall, except during the time the suspension
5 is in effect, be privileged information and for use only by the
6 courts, police officers, prosecuting authorities, the
7 Secretary of State, or the individual personally. Reports
8 received by the Secretary of State under this Section shall
9 also be made available to the parent or guardian of a person
10 under the age of 18 years that holds an instruction permit or a
11 graduated driver's license, regardless of whether the
12 suspension is in effect.

13 The law enforcement officer submitting the sworn report
14 shall serve immediate notice of this driver's license sanction
15 on the person and the sanction shall be effective on the 46th
16 day following the date notice was given.

17 In cases where the blood alcohol concentration of more than
18 0.00 is established by a subsequent analysis of blood or urine,
19 the police officer or arresting agency shall give notice as
20 provided in this Section or by deposit in the United States
21 mail of that notice in an envelope with postage prepaid and
22 addressed to that person at his last known address and the loss
23 of driving privileges shall be effective on the 46th day
24 following the date notice was given.

25 Upon receipt of the sworn report of a law enforcement
26 officer, the Secretary of State shall also give notice of the

1 driver's license sanction to the driver by mailing a notice of
2 the effective date of the sanction to the individual. However,
3 should the sworn report be defective by not containing
4 sufficient information or be completed in error, the notice of
5 the driver's license sanction may not be mailed to the person
6 or entered to the driving record, but rather the sworn report
7 shall be returned to the issuing law enforcement agency.

8 (e) A driver may contest this driver's license sanction by
9 requesting an administrative hearing with the Secretary of
10 State in accordance with Section 2-118 of this Code. An
11 individual whose blood alcohol concentration is shown to be
12 more than 0.00 is not subject to this Section if he or she
13 consumed alcohol in the performance of a religious service or
14 ceremony. An individual whose blood alcohol concentration is
15 shown to be more than 0.00 shall not be subject to this Section
16 if the individual's blood alcohol concentration resulted only
17 from ingestion of the prescribed or recommended dosage of
18 medicine that contained alcohol. The petition for that hearing
19 shall not stay or delay the effective date of the impending
20 suspension. The scope of this hearing shall be limited to the
21 issues of:

22 (1) whether the police officer had probable cause to
23 believe that the person was driving or in actual physical
24 control of a motor vehicle upon the public highways of the
25 State and the police officer had reason to believe that the
26 person was in violation of any provision of the Illinois

1 Vehicle Code or a similar provision of a local ordinance;
2 and

3 (2) whether the person was issued a Uniform Traffic
4 Ticket for any violation of the Illinois Vehicle Code or a
5 similar provision of a local ordinance; and

6 (3) whether the police officer had probable cause to
7 believe that the driver had consumed any amount of an
8 alcoholic beverage based upon the driver's physical
9 actions or other first-hand knowledge of the police
10 officer; and

11 (4) whether the person, after being advised by the
12 officer that the privilege to operate a motor vehicle would
13 be suspended if the person refused to submit to and
14 complete the test or tests, did refuse to submit to or
15 complete the test or tests to determine the person's
16 alcohol concentration; and

17 (5) whether the person, after being advised by the
18 officer that the privileges to operate a motor vehicle
19 would be suspended if the person submits to a chemical test
20 or tests and the test or tests disclose an alcohol
21 concentration of more than 0.00, did submit to and complete
22 the test or tests that determined an alcohol concentration
23 of more than 0.00; and

24 (6) whether the test result of an alcohol concentration
25 of more than 0.00 was based upon the person's consumption
26 of alcohol in the performance of a religious service or

1 ceremony; and

2 (7) whether the test result of an alcohol concentration
3 of more than 0.00 was based upon the person's consumption
4 of alcohol through ingestion of the prescribed or
5 recommended dosage of medicine.

6 Provided that the petitioner may subpoena the officer, the
7 hearing may be conducted upon a review of the law enforcement
8 officer's own official reports. Failure of the officer to
9 answer the subpoena shall be grounds for a continuance if, in
10 the hearing officer's discretion, the continuance is
11 appropriate. At the conclusion of the hearing held under
12 Section 2-118 of this Code, the Secretary of State may rescind,
13 continue, or modify the driver's license sanction. If the
14 Secretary of State does not rescind the sanction, a restricted
15 driving permit may be granted by the Secretary of State upon
16 application being made and good cause shown. A restricted
17 driving permit may be granted to relieve undue hardship by
18 allowing driving for employment, educational, and medical
19 purposes as outlined in item (3) of part (c) of Section 6-206
20 of this Code. The provisions of item (3) of part (c) of Section
21 6-206 of this Code and of subsection (f) of that Section shall
22 apply. The Secretary of State shall promulgate rules providing
23 for participation in an alcohol education and awareness program
24 or activity, a drug education and awareness program or
25 activity, or both as a condition to the issuance of a
26 restricted driving permit for suspensions imposed under this

1 Section.

2 (f) The results of any chemical testing performed in
3 accordance with subsection (a) of this Section are not
4 admissible in any civil or criminal proceeding, except that the
5 results of the testing may be considered at a hearing held
6 under Section 2-118 of this Code. However, the results of the
7 testing may not be used to impose driver's license sanctions
8 under Section 11-501.1 of this Code. A law enforcement officer
9 may, however, pursue a statutory summary suspension of driving
10 privileges under Section 11-501.1 of this Code if other
11 physical evidence or first hand knowledge forms the basis of
12 that suspension.

13 (g) This Section applies only to drivers who are under age
14 21 at the time of the issuance of a Uniform Traffic Ticket for
15 a violation of the Illinois Vehicle Code or a similar provision
16 of a local ordinance, and a chemical test request is made under
17 this Section.

18 (h) The action of the Secretary of State in suspending,
19 revoking, or denying any license, permit, registration, or
20 certificate of title shall be subject to judicial review in the
21 Circuit Court of Sangamon County or in the Circuit Court of
22 Cook County, and the provisions of the Administrative Review
23 Law and its rules are hereby adopted and shall apply to and
24 govern every action for the judicial review of final acts or
25 decisions of the Secretary of State under this Section.

26 (Source: P.A. 94-307, eff. 9-30-05.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2008.