



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1475

Introduced 2/21/2007, by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206

from Ch. 95 1/2, par. 6-206

625 ILCS 5/11-1414

from Ch. 95 1/2, par. 11-1414

Amends the Illinois Vehicle Code. Provides that, if the owner of a vehicle that illegally passed a stopped school bus contends that another person was driving the vehicle at the time of the alleged violation, the State's Attorney or other designated person (rather than the State's Attorney or other authorized prosecutor), acting in response to a signed complaint, may require the owner to identify the driver in a written statement or deposition. Provides that failure to provide the required information shall result in a 3 month suspension of the owner's driving privileges (rather than providing that the owner of the vehicle shall be treated as if he or she were the driver at the time of the violation).

LRB095 08466 DRH 28644 b

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 11-1414 as follows:

6 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of
2 ability to exercise ordinary and reasonable care in the
3 safe operation of a motor vehicle or disrespect for the
4 traffic laws and the safety of other persons upon the
5 highway;

6 4. Has by the unlawful operation of a motor vehicle
7 caused or contributed to an accident resulting in death or
8 injury requiring immediate professional treatment in a
9 medical facility or doctor's office to any person, except
10 that any suspension or revocation imposed by the Secretary
11 of State under the provisions of this subsection shall
12 start no later than 6 months after being convicted of
13 violating a law or ordinance regulating the movement of
14 traffic, which violation is related to the accident, or
15 shall start not more than one year after the date of the
16 accident, whichever date occurs later;

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

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

23 7. Has refused or failed to submit to an examination
24 provided for by Section 6-207 or has failed to pass the
25 examination;

26 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a
3 material fact or has used false information or
4 identification in any application for a license,
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to
7 fraudulently use any license, identification card, or
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this
10 State when the person's driving privilege or privilege to
11 obtain a driver's license or permit was revoked or
12 suspended unless the operation was authorized by a judicial
13 driving permit, probationary license to drive, or a
14 restricted driving permit issued under this Code;

15 12. Has submitted to any portion of the application
16 process for another person or has obtained the services of
17 another person to submit to any portion of the application
18 process for the purpose of obtaining a license,
19 identification card, or permit for some other person;

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

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 relating to criminal trespass to
2 vehicles in which case, the suspension shall be for one
3 year;

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

6 17. Has refused to submit to a test, or tests, as
7 required under Section 11-501.1 of this Code and the person
8 has not sought a hearing as provided for in Section
9 11-501.1;

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

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

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

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

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 relating to unlawful use of
25 weapons, in which case the suspension shall be for one
26 year;

1 23. Has, as a driver, been convicted of committing a
2 violation of paragraph (a) of Section 11-502 of this Code
3 for a second or subsequent time within one year of a
4 similar violation;

5 24. Has been convicted by a court-martial or punished
6 by non-judicial punishment by military authorities of the
7 United States at a military installation in Illinois of or
8 for a traffic related offense that is the same as or
9 similar to an offense specified under Section 6-205 or
10 6-206 of this Code;

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

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

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

20 28. Has been convicted of the illegal possession, while
21 operating or in actual physical control, as a driver, of a
22 motor vehicle, of any controlled substance prohibited
23 under the Illinois Controlled Substances Act, any cannabis
24 prohibited under the Cannabis Control Act, or any
25 methamphetamine prohibited under the Methamphetamine
26 Control and Community Protection Act, in which case the

1 person's driving privileges shall be suspended for one
2 year, and any driver who is convicted of a second or
3 subsequent offense, within 5 years of a previous
4 conviction, for the illegal possession, while operating or
5 in actual physical control, as a driver, of a motor
6 vehicle, of any controlled substance prohibited under the
7 Illinois Controlled Substances Act, any cannabis
8 prohibited under the Cannabis Control Act, or any
9 methamphetamine prohibited under the Methamphetamine
10 Control and Community Protection Act shall be suspended for
11 5 years. Any defendant found guilty of this offense while
12 operating a motor vehicle, shall have an entry made in the
13 court record by the presiding judge that this offense did
14 occur while the defendant was operating a motor vehicle and
15 order the clerk of the court to report the violation to the
16 Secretary of State;

17 29. Has been convicted of the following offenses that
18 were committed while the person was operating or in actual
19 physical control, as a driver, of a motor vehicle: criminal
20 sexual assault, predatory criminal sexual assault of a
21 child, aggravated criminal sexual assault, criminal sexual
22 abuse, aggravated criminal sexual abuse, juvenile pimping,
23 soliciting for a juvenile prostitute and the manufacture,
24 sale or delivery of controlled substances or instruments
25 used for illegal drug use or abuse in which case the
26 driver's driving privileges shall be suspended for one

1 year;

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

6 31. Has refused to submit to a test as required by
7 Section 11-501.6 or has submitted to a test resulting in an
8 alcohol concentration of 0.08 or more or any amount of a
9 drug, substance, or compound resulting from the unlawful
10 use or consumption of cannabis as listed in the Cannabis
11 Control Act, a controlled substance as listed in the
12 Illinois Controlled Substances Act, or an intoxicating
13 compound as listed in the Use of Intoxicating Compounds
14 Act, in which case the penalty shall be as prescribed in
15 Section 6-208.1;

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

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

25 34. Has committed a violation of Section 11-1301.5 of
26 this Code;

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

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

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

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

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

16 40. Has committed a violation of subsection (a-1) of
17 Section 11-908 of this Code;

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

22 42. Has committed a violation of subsection (a-1) of
23 Section 11-1301.3 of this Code; or ~~or~~

24 43. Is the owner of a vehicle that illegally passed a
25 stopped school bus and contends that another person was
26 driving the vehicle at the time of the alleged violation,

1 but failed to identify the driver in a written statement or
2 deposition upon the demand of the State's Attorney or other
3 designated person acting in response to a signed complaint,
4 in which case the suspension shall be for 3 months.

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

12 (b) If any conviction forming the basis of a suspension or
13 revocation authorized under this Section is appealed, the
14 Secretary of State may rescind or withhold the entry of the
15 order of suspension or revocation, as the case may be, provided
16 that a certified copy of a stay order of a court is filed with
17 the Secretary of State. If the conviction is affirmed on
18 appeal, the date of the conviction shall relate back to the
19 time the original judgment of conviction was entered and the 6
20 month limitation prescribed shall not apply.

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

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

1 remainder of the suspension period.

2 The provisions of this subparagraph shall not apply to
3 any driver required to possess a CDL for the purpose of
4 operating a commercial motor vehicle.

5 Any person who falsely states any fact in the affidavit
6 required herein shall be guilty of perjury under Section
7 6-302 and upon conviction thereof shall have all driving
8 privileges revoked without further rights.

9 3. At the conclusion of a hearing under Section 2-118
10 of this Code, the Secretary of State shall either rescind
11 or continue an order of revocation or shall substitute an
12 order of suspension; or, good cause appearing therefor,
13 rescind, continue, change, or extend the order of
14 suspension. If the Secretary of State does not rescind the
15 order, the Secretary may upon application, to relieve undue
16 hardship, issue a restricted driving permit granting the
17 privilege of driving a motor vehicle between the
18 petitioner's residence and petitioner's place of
19 employment or within the scope of his employment related
20 duties, or to allow transportation for the petitioner, or a
21 household member of the petitioner's family, to receive
22 necessary medical care and if the professional evaluation
23 indicates, provide transportation for alcohol remedial or
24 rehabilitative activity, or for the petitioner to attend
25 classes, as a student, in an accredited educational
26 institution; if the petitioner is able to demonstrate that

1 no alternative means of transportation is reasonably
2 available and the petitioner will not endanger the public
3 safety or welfare.

4 If a person's license or permit has been revoked or
5 suspended due to 2 or more convictions of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, arising out of
8 separate occurrences, that person, if issued a restricted
9 driving permit, may not operate a vehicle unless it has
10 been equipped with an ignition interlock device as defined
11 in Section 1-129.1.

12 If a person's license or permit has been revoked or
13 suspended 2 or more times within a 10 year period due to a
14 single conviction of violating Section 11-501 of this Code
15 or a similar provision of a local ordinance or a similar
16 out-of-state offense, and a statutory summary suspension
17 under Section 11-501.1, or 2 or more statutory summary
18 suspensions, or combination of 2 offenses, or of an offense
19 and a statutory summary suspension, arising out of separate
20 occurrences, that person, if issued a restricted driving
21 permit, may not operate a vehicle unless it has been
22 equipped with an ignition interlock device as defined in
23 Section 1-129.1. The person must pay to the Secretary of
24 State DUI Administration Fund an amount not to exceed \$20
25 per month. The Secretary shall establish by rule the amount
26 and the procedures, terms, and conditions relating to these

1 fees. If the restricted driving permit was issued for
2 employment purposes, then this provision does not apply to
3 the operation of an occupational vehicle owned or leased by
4 that person's employer. In each case the Secretary may
5 issue a restricted driving permit for a period deemed
6 appropriate, except that all permits shall expire within
7 one year from the date of issuance. The Secretary may not,
8 however, issue a restricted driving permit to any person
9 whose current revocation is the result of a second or
10 subsequent conviction for a violation of Section 11-501 of
11 this Code or a similar provision of a local ordinance
12 relating to the offense of operating or being in physical
13 control of a motor vehicle while under the influence of
14 alcohol, other drug or drugs, intoxicating compound or
15 compounds, or any similar out-of-state offense, or any
16 combination of those offenses, until the expiration of at
17 least one year from the date of the revocation. A
18 restricted driving permit issued under this Section shall
19 be subject to cancellation, revocation, and suspension by
20 the Secretary of State in like manner and for like cause as
21 a driver's license issued under this Code may be cancelled,
22 revoked, or suspended; except that a conviction upon one or
23 more offenses against laws or ordinances regulating the
24 movement of traffic shall be deemed sufficient cause for
25 the revocation, suspension, or cancellation of a
26 restricted driving permit. The Secretary of State may, as a

1 condition to the issuance of a restricted driving permit,
2 require the applicant to participate in a designated driver
3 remedial or rehabilitative program. The Secretary of State
4 is authorized to cancel a restricted driving permit if the
5 permit holder does not successfully complete the program.

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

13 (d) This Section is subject to the provisions of the
14 Drivers License Compact.

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

19 (f) In accordance with 49 C.F.R. 384, the Secretary of
20 State may not issue a restricted driving permit for the
21 operation of a commercial motor vehicle to a person holding a
22 CDL whose driving privileges have been suspended or revoked
23 under any provisions of this Code.

24 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
25 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
26 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

1 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)
2 Sec. 11-1414. Approaching, overtaking, and passing school
3 bus.

4 (a) The driver of a vehicle shall stop such vehicle before
5 meeting or overtaking, from either direction, any school bus
6 stopped at any location for the purpose of receiving or
7 discharging pupils. Such stop is required before reaching the
8 school bus when there is in operation on the school bus the
9 visual signals as specified in Sections 12-803 and 12-805 of
10 this Code. The driver of the vehicle shall not proceed until
11 the school bus resumes motion or the driver of the vehicle is
12 signaled by the school bus driver to proceed or the visual
13 signals are no longer actuated.

14 (b) The stop signal arm required by Section 12-803 of this
15 Code shall be extended after the school bus has come to a
16 complete stop for the purpose of loading or discharging pupils
17 and shall be closed before the school bus is placed in motion
18 again. The stop signal arm shall not be extended at any other
19 time.

20 (c) The alternately flashing red signal lamps of an 8-lamp
21 flashing signal system required by Section 12-805 of this Code
22 shall be actuated after the school bus has come to a complete
23 stop for the purpose of loading or discharging pupils and shall
24 be turned off before the school bus is placed in motion again.
25 The red signal lamps shall not be actuated at any other time

1 except as provided in paragraph (d) of this Section.

2 (d) The alternately flashing amber signal lamps of an
3 8-lamp flashing signal system required by Section 12-805 of
4 this Code shall be actuated continuously during not less than
5 the last 100 feet traveled by the school bus before stopping
6 for the purpose of loading or discharging pupils within an
7 urban area and during not less than the last 200 feet traveled
8 by the school bus outside an urban area. The amber signal lamps
9 shall remain actuated until the school bus is stopped. The
10 amber signal lamps shall not be actuated at any other time.

11 (d-5) The alternately flashing head lamps permitted by
12 Section 12-805 of this Code may be operated while the
13 alternately flashing red or amber signal lamps required by that
14 Section are actuated.

15 (e) The driver of a vehicle upon a highway having 4 or more
16 lanes which permits at least 2 lanes of traffic to travel in
17 opposite directions need not stop such vehicle upon meeting a
18 school bus which is stopped in the opposing roadway; and need
19 not stop such vehicle when driving upon a controlled access
20 highway when passing a school bus traveling in either direction
21 that is stopped in a loading zone adjacent to the surfaced or
22 improved part of the controlled access highway where
23 pedestrians are not permitted to cross.

24 (f) Beginning with the effective date of this amendatory
25 Act of 1985, the Secretary of State shall suspend for a period
26 of 3 months the driving privileges of any person convicted of a

1 violation of subsection (a) of this Section or a similar
2 provision of a local ordinance; the Secretary shall suspend for
3 a period of one year the driving privileges of any person
4 convicted of a second or subsequent violation of subsection (a)
5 of this Section or a similar provision of a local ordinance if
6 the second or subsequent violation occurs within 5 years of a
7 prior conviction for the same offense. In addition to the
8 suspensions authorized by this Section, any person convicted of
9 violating this Section or a similar provision of a local
10 ordinance shall be subject to a mandatory fine of \$150 or, upon
11 a second or subsequent violation, \$500. The Secretary may also
12 grant, for the duration of any suspension issued under this
13 subsection, a restricted driving permit granting the privilege
14 of driving a motor vehicle between the driver's residence and
15 place of employment or within other proper limits that the
16 Secretary of State shall find necessary to avoid any undue
17 hardship. A restricted driving permit issued hereunder shall be
18 subject to cancellation, revocation and suspension by the
19 Secretary of State in like manner and for like cause as a
20 driver's license may be cancelled, revoked or suspended; except
21 that a conviction upon one or more offenses against laws or
22 ordinances regulating the movement of traffic shall be deemed
23 sufficient cause for the revocation, suspension or
24 cancellation of the restricted driving permit. The Secretary of
25 State may, as a condition to the issuance of a restricted
26 driving permit, require the applicant to participate in a

1 designated driver remedial or rehabilitative program. Any
2 conviction for a violation of this subsection shall be included
3 as an offense for the purposes of determining suspension action
4 under any other provision of this Code, provided however, that
5 the penalties provided under this subsection shall be imposed
6 unless those penalties imposed under other applicable
7 provisions are greater.

8 The owner of any vehicle alleged to have violated paragraph
9 (a) of this Section shall, upon appropriate demand by the
10 State's Attorney or other designated person ~~authorized~~
11 ~~prosecutor~~ acting in response to a signed complaint, provide a
12 written statement or deposition identifying the operator of the
13 vehicle if such operator was not the owner at the time of the
14 alleged violation. Failure to supply such information shall
15 result in the suspension of the driving privileges of the owner
16 of the vehicle for a period of 3 months ~~be construed to be the~~
17 ~~same as a violation of paragraph (a) and shall be subject to~~
18 ~~the same penalties herein provided.~~ In the event the owner has
19 assigned control for the use of the vehicle to another, the
20 person to whom control was assigned shall comply with the
21 provisions of this paragraph and be subject to the same
22 penalties as herein provided.

23 (Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04;
24 revised 8-12-03.)