

HB3130



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3130

Introduced 2/26/2007, 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.

LRB095 06800 DRH 26916 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, if the driver is a CDL holder, while
16 driving a non-CMV; or

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

1 police officer's sworn report or other verified evidence;
2 or operating a non-commercial motor vehicle while the
3 alcohol concentration of the person's blood, breath, or
4 urine was above the legal limit defined in Section 11-501.1
5 or 11-501.8 or any amount of a drug, substance, or compound
6 in the person's blood or urine resulting from the unlawful
7 use or consumption of cannabis listed in the Cannabis
8 Control Act or a controlled substance listed in the
9 Illinois Controlled Substances Act as indicated by a police
10 officer's sworn report or other verified evidence while
11 holding a commercial driver's license; or

12 (3) Conviction for a first violation of:

13 (i) Driving a commercial motor vehicle or, if the
14 driver is a CDL holder, driving a non-CMV while under
15 the influence of alcohol, or any other drug, or
16 combination of drugs to a degree which renders such
17 person incapable of safely driving; or

18 (ii) Knowingly and wilfully leaving the scene of an
19 accident while operating a commercial motor vehicle
20 or, if the driver is a CDL holder, while driving a
21 non-CMV; or

22 (iii) Driving a commercial motor vehicle or, if the
23 driver is a CDL holder, driving a non-CMV while
24 committing any felony; or

25 (iv) Driving a commercial motor vehicle while the
26 person's driving privileges or driver's license or

1 permit is revoked, suspended, or cancelled or the
2 driver is disqualified from operating a commercial
3 motor vehicle; or

4 (v) Causing a fatality through the negligent
5 operation of a commercial motor vehicle, including but
6 not limited to the crimes of motor vehicle
7 manslaughter, homicide by a motor vehicle, and
8 negligent homicide.

9 As used in this subdivision (a)(3)(v), "motor
10 vehicle manslaughter" means the offense of involuntary
11 manslaughter if committed by means of a vehicle;
12 "homicide by a motor vehicle" means the offense of
13 first degree murder or second degree murder, if either
14 offense is committed by means of a vehicle; and
15 "negligent homicide" means reckless homicide under
16 Section 9-3 of the Criminal Code of 1961 and aggravated
17 driving under the influence of alcohol, other drug or
18 drugs, intoxicating compound or compounds, or any
19 combination thereof under subdivision (d)(1)(F) of
20 Section 11-501 of this Code.

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

25 (b) A person is disqualified for life for a second
26 conviction of any of the offenses specified in paragraph (a),

1 or any combination of those offenses, arising from 2 or more
2 separate incidents.

3 (c) A person is disqualified from driving a commercial
4 motor vehicle for life if the person either (i) uses a
5 commercial motor vehicle in the commission of any felony
6 involving the manufacture, distribution, or dispensing of a
7 controlled substance, or possession with intent to
8 manufacture, distribute or dispense a controlled substance or
9 (ii) if the person is a CDL holder, uses a non-CMV in the
10 commission of a felony involving any of those activities.

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

20 (e) A person is disqualified from driving a commercial
21 motor vehicle for a period of not less than 2 months if
22 convicted of 2 serious traffic violations, committed in a
23 commercial motor vehicle, arising from separate incidents,
24 occurring within a 3 year period. However, a person will be
25 disqualified from driving a commercial motor vehicle for a
26 period of not less than 4 months if convicted of 3 serious

1 traffic violations, committed in a commercial motor vehicle,
2 arising from separate incidents, occurring within a 3 year
3 period.

4 (e-1) A person is disqualified from driving a commercial
5 motor vehicle for a period of not less than 2 months if
6 convicted of 2 serious traffic violations committed in a
7 non-CMV while holding a CDL, arising from separate incidents,
8 occurring within a 3 year period, if the convictions would
9 result in the suspension or revocation of the CDL holder's
10 non-CMV privileges. A person shall be disqualified from driving
11 a commercial motor vehicle for a period of not less than 4
12 months, however, if he or she is convicted of 3 or more serious
13 traffic violations committed in a non-CMV while holding a CDL,
14 arising from separate incidents, occurring within a 3 year
15 period, if the convictions would result in the suspension or
16 revocation of the CDL holder's non-CMV privileges.

17 (f) Notwithstanding any other provision of this Code, any
18 driver disqualified from operating a commercial motor vehicle,
19 pursuant to this UCDLA, shall not be eligible for restoration
20 of commercial driving privileges during any such period of
21 disqualification.

22 (g) After suspending, revoking, or cancelling a commercial
23 driver's license, the Secretary of State must update the
24 driver's records to reflect such action within 10 days. After
25 suspending or revoking the driving privilege of any person who
26 has been issued a CDL or commercial driver instruction permit

1 from another jurisdiction, the Secretary shall originate
2 notification to such issuing jurisdiction within 10 days.

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

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

9 (1) For 6 months upon a first conviction of paragraph

10 (2) of subsection (b) of Section 6-507 of this Code.

11 (2) For one year upon a second conviction of paragraph

12 (2) of subsection (b) of Section 6-507 of this Code within
13 a 10-year period.

14 (3) For 3 years upon a third or subsequent conviction

15 of paragraph (2) of subsection (b) of Section 6-507 of this
16 Code within a 10-year period.

17 (4) For one year upon a first conviction of paragraph

18 (3) of subsection (b) of Section 6-507 of this Code.

19 (5) For 3 years upon a second conviction of paragraph

20 (3) of subsection (b) of Section 6-507 of this Code within
21 a 10-year period.

22 (6) For 5 years upon a third or subsequent conviction

23 of paragraph (3) of subsection (b) of Section 6-507 of this
24 Code within a 10-year period.

25 (j) Disqualification for railroad-highway grade crossing
26 violation.

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

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

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

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

20 (iv) For all drivers, failing to have sufficient
21 space to drive completely through the crossing without
22 stopping, as described in subsection (b) of Section
23 11-1425 of this Code;

24 (v) For all drivers, failing to obey a traffic
25 control device or the directions of an enforcement
26 official at the crossing, as described in subdivision

1 (a)2 of Section 11-1201 of this Code;

2 (vi) For all drivers, failing to negotiate a
3 crossing because of insufficient undercarriage
4 clearance, as described in subsection (d-1) of Section
5 11-1201 of this Code.

6 (2) Duration of disqualification for railroad-highway
7 grade crossing violation.

8 (i) First violation. A driver must be disqualified
9 from operating a commercial motor vehicle for not less
10 than 60 days if the driver is convicted of a violation
11 described in paragraph (1) of this subsection (j) and,
12 in the three-year period preceding the conviction, the
13 driver had no convictions for a violation described in
14 paragraph (1) of this subsection (j).

15 (ii) Second violation. A driver must be
16 disqualified from operating a commercial motor vehicle
17 for not less than 120 days if the driver is convicted
18 of a violation described in paragraph (1) of this
19 subsection (j) and, in the three-year period preceding
20 the conviction, the driver had one other conviction for
21 a violation described in paragraph (1) of this
22 subsection (j) that was committed in a separate
23 incident.

24 (iii) Third or subsequent violation. A driver must
25 be disqualified from operating a commercial motor
26 vehicle for not less than one year if the driver is

1 convicted of a violation described in paragraph (1) of
2 this subsection (j) and, in the three-year period
3 preceding the conviction, the driver had 2 or more
4 other convictions for violations described in
5 paragraph (1) of this subsection (j) that were
6 committed in separate incidents.

7 (k) Upon notification of a disqualification of a driver's
8 commercial motor vehicle privileges imposed by the U.S.
9 Department of Transportation, Federal Motor Carrier Safety
10 Administration, in accordance with 49 C.F.R. 383.52, the
11 Secretary of State shall immediately record to the driving
12 record the notice of disqualification and confirm to the driver
13 the action that has been taken.

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