

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 2-118.1, 6-106.1a, 6-118, 6-205, 6-206, 6-208.1,
6 6-303, 6-520, 11-401, 11-500, 11-501.1, 11-501.6, and 11-501.8
7 and by adding Section 1-197.6 as follows:

8 (625 ILCS 5/1-197.6 new)

9 Sec. 1-197.6. Statutory summary revocation of driving
10 privileges. The revocation by the Secretary of State of a
11 person's license or privilege to operate a motor vehicle on the
12 public highways for the period provided in Section 6-208.1.
13 Reinstatement after the revocation period shall occur after the
14 person has been approved for reinstatement through an
15 administrative hearing with the Secretary of State, has filed
16 proof of financial responsibility, has paid the reinstatement
17 fee as provided in Section 6-118, and has successfully
18 completed all necessary examinations. The basis for this
19 revocation of driving privileges shall be the individual's
20 refusal to submit to or failure to complete a chemical test or
21 tests following an arrest for the offense of driving under the
22 influence of alcohol, other drugs, or intoxicating compounds,
23 or any combination thereof involving a motor vehicle accident

1 that caused personal injury or death to another, as provided in
2 Section 11-501.1 of this Code.

3 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

4 Sec. 2-118.1. Opportunity for hearing; statutory summary
5 alcohol or other drug related suspension or revocation pursuant
6 to Section 11-501.1.

7 (a) A statutory summary suspension or revocation of driving
8 privileges under Section 11-501.1 shall not become effective
9 until the person is notified in writing of the impending
10 suspension or revocation and informed that he may request a
11 hearing in the circuit court of venue under paragraph (b) of
12 this Section and the statutory summary suspension or revocation
13 shall become effective as provided in Section 11-501.1.

14 (b) Within 90 days after the notice of statutory summary
15 suspension or revocation served under Section 11-501.1, the
16 person may make a written request for a judicial hearing in the
17 circuit court of venue. The request to the circuit court shall
18 state the grounds upon which the person seeks to have the
19 statutory summary suspension or revocation rescinded. Within
20 30 days after receipt of the written request or the first
21 appearance date on the Uniform Traffic Ticket issued pursuant
22 to a violation of Section 11-501, or a similar provision of a
23 local ordinance, the hearing shall be conducted by the circuit
24 court having jurisdiction. This judicial hearing, request, or
25 process shall not stay or delay the statutory summary

1 suspension or revocation. The hearings shall proceed in the
2 court in the same manner as in other civil proceedings.

3 The hearing may be conducted upon a review of the law
4 enforcement officer's own official reports; provided however,
5 that the person may subpoena the officer. Failure of the
6 officer to answer the subpoena shall be considered grounds for
7 a continuance if in the court's discretion the continuance is
8 appropriate.

9 The scope of the hearing shall be limited to the issues of:

10 1. Whether the person was placed under arrest for an
11 offense as defined in Section 11-501, or a similar
12 provision of a local ordinance, as evidenced by the
13 issuance of a Uniform Traffic Ticket, or issued a Uniform
14 Traffic Ticket out of state as provided in subsection (a)
15 of Section 11-501.1; and

16 2. Whether the officer had reasonable grounds to
17 believe that the person was driving or in actual physical
18 control of a motor vehicle upon a highway while under the
19 influence of alcohol, other drug, or combination of both;
20 and

21 3. Whether the person, after being advised by the
22 officer that the privilege to operate a motor vehicle would
23 be suspended or revoked if the person refused to submit to
24 and complete the test or tests, did refuse to submit to or
25 complete the test or tests to determine the person's
26 alcohol or drug concentration; or

1 4. Whether the person, after being advised by the
2 officer that the privilege to operate a motor vehicle would
3 be suspended if the person submits to a chemical test, or
4 tests, and the test discloses an alcohol concentration of
5 0.08 or more, or any amount of a drug, substance, or
6 compound in the person's blood or urine resulting from the
7 unlawful use or consumption of cannabis listed in the
8 Cannabis Control Act, a controlled substance listed in the
9 Illinois Controlled Substances Act, an intoxicating
10 compound as listed in the Use of Intoxicating Compounds
11 Act, or methamphetamine as listed in the Methamphetamine
12 Control and Community Protection Act, and the person did
13 submit to and complete the test or tests that determined an
14 alcohol concentration of 0.08 or more.

15 5. If the person's driving privileges were revoked,
16 whether the person was involved in a motor vehicle accident
17 that caused Type A injury or death to another.

18 Upon the conclusion of the judicial hearing, the circuit
19 court shall sustain or rescind the statutory summary suspension
20 or revocation and immediately notify the Secretary of State.
21 Reports received by the Secretary of State under this Section
22 shall be privileged information and for use only by the courts,
23 police officers, and Secretary of State.

24 (Source: P.A. 95-355, eff. 1-1-08.)

25 (625 ILCS 5/6-106.1a)

1 Sec. 6-106.1a. Cancellation of school bus driver permit;
2 trace of alcohol.

3 (a) A person who has been issued a school bus driver permit
4 by the Secretary of State in accordance with Section 6-106.1 of
5 this Code and who drives or is in actual physical control of a
6 school bus or any other vehicle owned or operated by or for a
7 public or private school, or a school operated by a religious
8 institution, when the vehicle is being used over a regularly
9 scheduled route for the transportation of persons enrolled as
10 students in grade 12 or below, in connection with any activity
11 of the entities listed, upon the public highways of this State
12 shall be deemed to have given consent to a chemical test or
13 tests of blood, breath, or urine for the purpose of determining
14 the alcohol content of the person's blood if arrested, as
15 evidenced by the issuance of a Uniform Traffic Ticket for any
16 violation of this Code or a similar provision of a local
17 ordinance, if a police officer has probable cause to believe
18 that the driver has consumed any amount of an alcoholic
19 beverage based upon evidence of the driver's physical condition
20 or other first hand knowledge of the police officer. The test
21 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.

26 (b) A person who is dead, unconscious, or who is otherwise

1 in a condition rendering that person incapable of refusal,
2 shall be deemed not to have withdrawn the consent provided by
3 paragraph (a) of this Section and the test or tests may be
4 administered subject to the following provisions:

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

19 (2) When a person submits to a blood test at the
20 request of a law enforcement officer under the provisions
21 of this Section, only a physician authorized to practice
22 medicine, a registered nurse, or other qualified person
23 trained in venipuncture and acting under the direction of a
24 licensed physician may withdraw blood for the purpose of
25 determining the alcohol content. This limitation does not
26 apply to the taking of breath or urine specimens.

1 (3) The person tested may have a physician, qualified
2 technician, chemist, registered nurse, or other qualified
3 person of his or her own choosing administer a chemical
4 test or tests in addition to any test or tests administered
5 at the direction of a law enforcement officer. The test
6 administered at the request of the person may be admissible
7 into evidence at a hearing conducted in accordance with
8 Section 2-118 of this Code. The failure or inability to
9 obtain an additional test by a person shall not preclude
10 the consideration of the previously performed chemical
11 test.

12 (4) Upon a request of the person who submits to a
13 chemical test or tests at the request of a law enforcement
14 officer, full information concerning the test or tests
15 shall be made available to the person or that person's
16 attorney by the requesting law enforcement agency within 72
17 hours of receipt of the test result.

18 (5) Alcohol concentration means either grams of
19 alcohol per 100 milliliters of blood or grams of alcohol
20 per 210 liters of breath.

21 (6) If a driver is receiving medical treatment as a
22 result of a motor vehicle accident, a physician licensed to
23 practice medicine, registered nurse, or other qualified
24 person trained in venipuncture and acting under the
25 direction of a licensed physician shall withdraw blood for
26 testing purposes to ascertain the presence of alcohol upon

1 the specific request of a law enforcement officer. However,
2 that testing shall not be performed until, in the opinion
3 of the medical personnel on scene, the withdrawal can be
4 made without interfering with or endangering the
5 well-being of the patient.

6 (c) A person requested to submit to a test as provided in
7 this Section shall be warned by the law enforcement officer
8 requesting the test that a refusal to submit to the test, or
9 submission to the test resulting in an alcohol concentration of
10 more than 0.00, may result in the loss of that person's
11 privilege to possess a school bus driver permit. The loss of
12 the individual's privilege to possess a school bus driver
13 permit shall be imposed in accordance with Section 6-106.1b of
14 this Code.

15 (d) If the person refuses testing or submits to a test that
16 discloses an alcohol concentration of more than 0.00, the law
17 enforcement officer shall immediately submit a sworn report to
18 the Secretary of State on a form prescribed by the Secretary of
19 State certifying that the test or tests were requested under
20 subsection (a) and the person refused to submit to a test or
21 tests or submitted to testing which disclosed an alcohol
22 concentration of more than 0.00. The law enforcement officer
23 shall submit the same sworn report when a person who has been
24 issued a school bus driver permit and who was operating a
25 school bus or any other vehicle owned or operated by or for a
26 public or private school, or a school operated by a religious

1 institution, when the vehicle is being used over a regularly
2 scheduled route for the transportation of persons enrolled as
3 students in grade 12 or below, in connection with any activity
4 of the entities listed, submits to testing under Section
5 11-501.1 of this Code and the testing discloses an alcohol
6 concentration of more than 0.00 and less than the alcohol
7 concentration at which driving or being in actual physical
8 control of a motor vehicle is prohibited under paragraph (1) of
9 subsection (a) of Section 11-501.

10 Upon receipt of the sworn report of a law enforcement
11 officer, the Secretary of State shall enter the school bus
12 driver permit sanction on the individual's driving record and
13 the sanction shall be effective on the 46th day following the
14 date notice of the sanction was given to the person.

15 The law enforcement officer submitting the sworn report
16 shall serve immediate notice of this school bus driver permit
17 sanction on the person and the sanction shall be effective on
18 the 46th day following the date notice was given.

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

1 Upon receipt of the sworn report of a law enforcement
2 officer, the Secretary of State shall also give notice of the
3 school bus driver permit sanction to the driver and the
4 driver's current employer by mailing a notice of the effective
5 date of the sanction to the individual. However, shall the
6 sworn report be defective by not containing sufficient
7 information or be completed in error, the notice of the school
8 bus driver permit sanction may not be mailed to the person or
9 his current employer or entered to the driving record, but
10 rather the sworn report shall be returned to the issuing law
11 enforcement agency.

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

26 (1) whether the police officer had probable cause to

1 believe that the person was driving or in actual physical
2 control of a school bus or any other vehicle owned or
3 operated by or for a public or private school, or a school
4 operated by a religious institution, when the vehicle is
5 being used over a regularly scheduled route for the
6 transportation of persons enrolled as students in grade 12
7 or below, in connection with any activity of the entities
8 listed, upon the public highways of the State and the
9 police officer had reason to believe that the person was in
10 violation of any provision of this Code or a similar
11 provision of a local ordinance; and

12 (2) whether the person was issued a Uniform Traffic
13 Ticket for any violation of this Code or a similar
14 provision of a local ordinance; and

15 (3) whether the police officer had probable cause to
16 believe that the driver had consumed any amount of an
17 alcoholic beverage based upon the driver's physical
18 actions or other first-hand knowledge of the police
19 officer; and

20 (4) whether the person, after being advised by the
21 officer that the privilege to possess a school bus driver
22 permit would be canceled if the person refused to submit to
23 and complete the test or tests, did refuse to submit to or
24 complete the test or tests to determine the person's
25 alcohol concentration; and

26 (5) whether the person, after being advised by the

1 officer that the privileges to possess a school bus driver
2 permit would be canceled if the person submits to a
3 chemical test or tests and the test or tests disclose an
4 alcohol concentration of more than 0.00 and the person did
5 submit to and complete the test or tests that determined an
6 alcohol concentration of more than 0.00; and

7 (6) whether the test result of an alcohol concentration
8 of more than 0.00 was based upon the person's consumption
9 of alcohol in the performance of a religious service or
10 ceremony; and

11 (7) whether the test result of an alcohol concentration
12 of more than 0.00 was based upon the person's consumption
13 of alcohol through ingestion of the prescribed or
14 recommended dosage of medicine.

15 The Secretary of State may adopt administrative rules
16 setting forth circumstances under which the holder of a school
17 bus driver permit is not required to appear in person at the
18 hearing.

19 Provided that the petitioner may subpoena the officer, the
20 hearing may be conducted upon a review of the law enforcement
21 officer's own official reports. Failure of the officer to
22 answer the subpoena shall be grounds for a continuance if, in
23 the hearing officer's discretion, the continuance is
24 appropriate. At the conclusion of the hearing held under
25 Section 2-118 of this Code, the Secretary of State may rescind,
26 continue, or modify the school bus driver permit sanction.

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

12 (g) This Section applies only to drivers who have been
13 issued a school bus driver permit in accordance with Section
14 6-106.1 of this Code at the time of the issuance of the Uniform
15 Traffic Ticket for a violation of this Code or a similar
16 provision of a local ordinance, and a chemical test request is
17 made under this Section.

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

1 (Source: P.A. 90-107, eff. 1-1-98; 91-124, eff. 7-16-99;
2 91-828, eff. 1-1-01.)

3 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
4 Sec. 6-118. Fees.

5 (a) The fee for licenses and permits under this Article is
6 as follows:

7	Original driver's license	\$30
8	Original or renewal driver's license	
9	issued to 18, 19 and 20 year olds	5
10	All driver's licenses for persons	
11	age 69 through age 80	5
12	All driver's licenses for persons	
13	age 81 through age 86	2
14	All driver's licenses for persons	
15	age 87 or older	0
16	Renewal driver's license (except for	
17	applicants ages 18, 19 and 20 or	
18	age 69 and older)	30
19	Original instruction permit issued to	
20	persons (except those age 69 and older)	
21	who do not hold or have not previously	
22	held an Illinois instruction permit or	
23	driver's license	20
24	Instruction permit issued to any person	
25	holding an Illinois driver's license	

1 who wishes a change in classifications,
2 other than at the time of renewal 5
3 Any instruction permit issued to a person
4 age 69 and older 5
5 Instruction permit issued to any person,
6 under age 69, not currently holding a
7 valid Illinois driver's license or
8 instruction permit but who has
9 previously been issued either document
10 in Illinois 10
11 Restricted driving permit 8
12 Monitoring device driving permit 8
13 Duplicate or corrected driver's license
14 or permit 5
15 Duplicate or corrected restricted
16 driving permit 5
17 Duplicate or corrected monitoring
18 device driving permit 5
19 Original or renewal M or L endorsement..... 5

20 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

21 The fees for commercial driver licenses and permits
22 under Article V shall be as follows:

23 Commercial driver's license:

24 \$6 for the CDLIS/AAMVAnet Fund

25 (Commercial Driver's License Information

26 System/American Association of Motor Vehicle

1 Administrators network Trust Fund);
 2 \$20 for the Motor Carrier Safety Inspection Fund;
 3 \$10 for the driver's license;
 4 and \$24 for the CDL: \$60

5 Renewal commercial driver's license:
 6 \$6 for the CDLIS/AAMVAnet Trust Fund;
 7 \$20 for the Motor Carrier Safety Inspection Fund;
 8 \$10 for the driver's license; and
 9 \$24 for the CDL: \$60

10 Commercial driver instruction permit
 11 issued to any person holding a valid
 12 Illinois driver's license for the
 13 purpose of changing to a
 14 CDL classification: \$6 for the
 15 CDLIS/AAMVAnet Trust Fund;
 16 \$20 for the Motor Carrier
 17 Safety Inspection Fund; and
 18 \$24 for the CDL classification \$50

19 Commercial driver instruction permit
 20 issued to any person holding a valid
 21 Illinois CDL for the purpose of
 22 making a change in a classification,
 23 endorsement or restriction \$5

24 CDL duplicate or corrected license \$5

25 In order to ensure the proper implementation of the Uniform
 26 Commercial Driver License Act, Article V of this Chapter, the

1 Secretary of State is empowered to pro-rate the \$24 fee for the
2 commercial driver's license proportionate to the expiration
3 date of the applicant's Illinois driver's license.

4 The fee for any duplicate license or permit shall be waived
5 for any person age 60 or older who presents the Secretary of
6 State's office with a police report showing that his license or
7 permit was stolen.

8 No additional fee shall be charged for a driver's license,
9 or for a commercial driver's license, when issued to the holder
10 of an instruction permit for the same classification or type of
11 license who becomes eligible for such license.

12 (b) Any person whose license or privilege to operate a
13 motor vehicle in this State has been suspended or revoked under
14 Section 3-707, any provision of Chapter 6, Chapter 11, or
15 Section 7-205, 7-303, or 7-702 of the Family Financial
16 Responsibility Law of this Code, shall in addition to any other
17 fees required by this Code, pay a reinstatement fee as follows:

18	Suspension under Section 3-707	\$100
19	Summary suspension under Section 11-501.1	\$250
20	<u>Summary revocation under Section 11-501.1</u>	<u>\$500</u>
21	Other suspension	\$70
22	Revocation	\$500

23 However, any person whose license or privilege to operate a
24 motor vehicle in this State has been suspended or revoked for a
25 second or subsequent time for a violation of Section 11-501 or
26 11-501.1 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense or Section 9-3 of
 2 the Criminal Code of 1961 and each suspension or revocation was
 3 for a violation of Section 11-501 or 11-501.1 of this Code or a
 4 similar provision of a local ordinance or a similar
 5 out-of-state offense or Section 9-3 of the Criminal Code of
 6 1961 shall pay, in addition to any other fees required by this
 7 Code, a reinstatement fee as follows:

8	Summary suspension under Section 11-501.1	\$500
9	<u>Summary revocation under Section 11-501.1</u>	<u>\$500</u>
10	Revocation	\$500

11 (c) All fees collected under the provisions of this Chapter
 12 6 shall be paid into the Road Fund in the State Treasury except
 13 as follows:

14 1. The following amounts shall be paid into the Driver
 15 Education Fund:

16 (A) \$16 of the \$20 fee for an original driver's
 17 instruction permit;

18 (B) \$5 of the \$30 fee for an original driver's
 19 license;

20 (C) \$5 of the \$30 fee for a 4 year renewal driver's
 21 license;

22 (D) \$4 of the \$8 fee for a restricted driving
 23 permit; and

24 (E) \$4 of the \$8 fee for a monitoring device
 25 driving permit.

26 2. \$30 of the \$250 fee for reinstatement of a license

1 summarily suspended under Section 11-501.1 shall be
2 deposited into the Drunk and Drugged Driving Prevention
3 Fund. However, for a person whose license or privilege to
4 operate a motor vehicle in this State has been suspended or
5 revoked for a second or subsequent time for a violation of
6 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
7 the Criminal Code of 1961, \$190 of the \$500 fee for
8 reinstatement of a license summarily suspended under
9 Section 11-501.1, and \$190 of the \$500 fee for
10 reinstatement of a revoked license shall be deposited into
11 the Drunk and Drugged Driving Prevention Fund. \$190 of the
12 \$500 fee for reinstatement of a license summarily revoked
13 pursuant to Section 11-501.1 shall be deposited into the
14 Drunk and Drugged Driving Prevention Fund.

15 3. \$6 of such original or renewal fee for a commercial
16 driver's license and \$6 of the commercial driver
17 instruction permit fee when such permit is issued to any
18 person holding a valid Illinois driver's license, shall be
19 paid into the CDLIS/AAMVAnet Trust Fund.

20 4. \$30 of the \$70 fee for reinstatement of a license
21 suspended under the Family Financial Responsibility Law
22 shall be paid into the Family Responsibility Fund.

23 5. The \$5 fee for each original or renewal M or L
24 endorsement shall be deposited into the Cycle Rider Safety
25 Training Fund.

26 6. \$20 of any original or renewal fee for a commercial

1 driver's license or commercial driver instruction permit
2 shall be paid into the Motor Carrier Safety Inspection
3 Fund.

4 7. The following amounts shall be paid into the General
5 Revenue Fund:

6 (A) \$190 of the \$250 reinstatement fee for a
7 summary suspension under Section 11-501.1;

8 (B) \$40 of the \$70 reinstatement fee for any other
9 suspension provided in subsection (b) of this Section;
10 and

11 (C) \$440 of the \$500 reinstatement fee for a first
12 offense revocation and \$310 of the \$500 reinstatement
13 fee for a second or subsequent revocation.

14 (d) All of the proceeds of the additional fees imposed by
15 this amendatory Act of the 96th General Assembly shall be
16 deposited into the Capital Projects Fund.

17 (e) The additional fees imposed by this amendatory Act of
18 the 96th General Assembly shall become effective 90 days after
19 becoming law.

20 (Source: P.A. 95-855, eff. 1-1-09; 96-34, eff. 7-13-09; 96-38,
21 eff. 7-13-09.)

22 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

23 Sec. 6-205. Mandatory revocation of license or permit;
24 Hardship cases.

25 (a) Except as provided in this Section, the Secretary of

1 State shall immediately revoke the license, permit, or driving
2 privileges of any driver upon receiving a report of the
3 driver's conviction of any of the following offenses:

4 1. Reckless homicide resulting from the operation of a
5 motor vehicle;

6 2. Violation of Section 11-501 of this Code or a
7 similar provision of a local ordinance relating to the
8 offense of operating or being in physical control of a
9 vehicle while under the influence of alcohol, other drug or
10 drugs, intoxicating compound or compounds, or any
11 combination thereof;

12 3. Any felony under the laws of any State or the
13 federal government in the commission of which a motor
14 vehicle was used;

15 4. Violation of Section 11-401 of this Code relating to
16 the offense of leaving the scene of a traffic accident
17 involving death or personal injury;

18 5. Perjury or the making of a false affidavit or
19 statement under oath to the Secretary of State under this
20 Code or under any other law relating to the ownership or
21 operation of motor vehicles;

22 6. Conviction upon 3 charges of violation of Section
23 11-503 of this Code relating to the offense of reckless
24 driving committed within a period of 12 months;

25 7. Conviction of any offense defined in Section 4-102
26 of this Code;

1 8. Violation of Section 11-504 of this Code relating to
2 the offense of drag racing;

3 9. Violation of Chapters 8 and 9 of this Code;

4 10. Violation of Section 12-5 of the Criminal Code of
5 1961 arising from the use of a motor vehicle;

6 11. Violation of Section 11-204.1 of this Code relating
7 to aggravated fleeing or attempting to elude a peace
8 officer;

9 12. Violation of paragraph (1) of subsection (b) of
10 Section 6-507, or a similar law of any other state,
11 relating to the unlawful operation of a commercial motor
12 vehicle;

13 13. Violation of paragraph (a) of Section 11-502 of
14 this Code or a similar provision of a local ordinance if
15 the driver has been previously convicted of a violation of
16 that Section or a similar provision of a local ordinance
17 and the driver was less than 21 years of age at the time of
18 the offense;

19 14. Violation of paragraph (a) of Section 11-506 of
20 this Code or a similar provision of a local ordinance
21 relating to the offense of street racing;

22 15. A second or subsequent conviction of driving while
23 the person's driver's license, permit or privileges was
24 revoked for reckless homicide or a similar out-of-state
25 offense.

26 (b) The Secretary of State shall also immediately revoke

1 the license or permit of any driver in the following
2 situations:

3 1. Of any minor upon receiving the notice provided for
4 in Section 5-901 of the Juvenile Court Act of 1987 that the
5 minor has been adjudicated under that Act as having
6 committed an offense relating to motor vehicles prescribed
7 in Section 4-103 of this Code;

8 2. Of any person when any other law of this State
9 requires either the revocation or suspension of a license
10 or permit;

11 3. Of any person adjudicated under the Juvenile Court
12 Act of 1987 based on an offense determined to have been
13 committed in furtherance of the criminal activities of an
14 organized gang as provided in Section 5-710 of that Act,
15 and that involved the operation or use of a motor vehicle
16 or the use of a driver's license or permit. The revocation
17 shall remain in effect for the period determined by the
18 court. Upon the direction of the court, the Secretary shall
19 issue the person a judicial driving permit, also known as a
20 JDP. The JDP shall be subject to the same terms as a JDP
21 issued under Section 6-206.1, except that the court may
22 direct that a JDP issued under this subdivision (b) (3) be
23 effective immediately.

24 (c) (1) Except as provided in subsection (c-5), whenever a
25 person is convicted of any of the offenses enumerated in this
26 Section, the court may recommend and the Secretary of State in

1 his discretion, without regard to whether the recommendation is
2 made by the court may, upon application, issue to the person a
3 restricted driving permit granting the privilege of driving a
4 motor vehicle between the petitioner's residence and
5 petitioner's place of employment or within the scope of the
6 petitioner's employment related duties, or to allow the
7 petitioner to transport himself or herself or a family member
8 of the petitioner's household to a medical facility for the
9 receipt of necessary medical care or to allow the petitioner to
10 transport himself or herself to and from alcohol or drug
11 remedial or rehabilitative activity recommended by a licensed
12 service provider, or to allow the petitioner to transport
13 himself or herself or a family member of the petitioner's
14 household to classes, as a student, at an accredited
15 educational institution, or to allow the petitioner to
16 transport children living in the petitioner's household to and
17 from daycare; if the petitioner is able to demonstrate that no
18 alternative means of transportation is reasonably available
19 and that the petitioner will not endanger the public safety or
20 welfare; provided that the Secretary's discretion shall be
21 limited to cases where undue hardship, as defined by the rules
22 of the Secretary of State, would result from a failure to issue
23 the restricted driving permit. Those multiple offenders
24 identified in subdivision (b)4 of Section 6-208 of this Code,
25 however, shall not be eligible for the issuance of a restricted
26 driving permit.

1 (2) If a person's license or permit is revoked or
2 suspended due to 2 or more convictions of violating Section
3 11-501 of this Code or a similar provision of a local
4 ordinance or a similar out-of-state offense, or Section 9-3
5 of the Criminal Code of 1961, where the use of alcohol or
6 other drugs is recited as an element of the offense, or a
7 similar out-of-state offense, or a combination of these
8 offenses, arising out of separate occurrences, that
9 person, if issued a restricted driving permit, may not
10 operate a vehicle unless it has been equipped with an
11 ignition interlock device as defined in Section 1-129.1.

12 (3) If:

13 (A) a person's license or permit is revoked or
14 suspended 2 or more times within a 10 year period due
15 to any combination of:

16 (i) a single conviction of violating Section
17 11-501 of this Code or a similar provision of a
18 local ordinance or a similar out-of-state offense,
19 or Section 9-3 of the Criminal Code of 1961, where
20 the use of alcohol or other drugs is recited as an
21 element of the offense, or a similar out-of-state
22 offense; or

23 (ii) a statutory summary suspension or
24 revocation under Section 11-501.1; or

25 (iii) a suspension pursuant to Section
26 6-203.1;

1 arising out of separate occurrences; or

2 (B) a person has been convicted of one violation of
3 Section 6-303 of this Code committed while his or her
4 driver's license, permit, or privilege was revoked
5 because of a violation of Section 9-3 of the Criminal
6 Code of 1961, relating to the offense of reckless
7 homicide where the use of alcohol or other drugs was
8 recited as an element of the offense, or a similar
9 provision of a law of another state;

10 that person, if issued a restricted driving permit, may not
11 operate a vehicle unless it has been equipped with an
12 ignition interlock device as defined in Section 1-129.1.

13 (4) The person issued a permit conditioned on the use
14 of an ignition interlock device must pay to the Secretary
15 of State DUI Administration Fund an amount not to exceed
16 \$30 per month. The Secretary shall establish by rule the
17 amount and the procedures, terms, and conditions relating
18 to these fees.

19 (5) If the restricted driving permit is issued for
20 employment purposes, then the prohibition against
21 operating a motor vehicle that is not equipped with an
22 ignition interlock device does not apply to the operation
23 of an occupational vehicle owned or leased by that person's
24 employer when used solely for employment purposes.

25 (6) In each case the Secretary of State may issue a
26 restricted driving permit for a period he deems

1 appropriate, except that the permit shall expire within one
2 year from the date of issuance. The Secretary may not,
3 however, issue a restricted driving permit to any person
4 whose current revocation is the result of a second or
5 subsequent conviction for a violation of Section 11-501 of
6 this Code or a similar provision of a local ordinance or
7 any similar out-of-state offense, or Section 9-3 of the
8 Criminal Code of 1961, where the use of alcohol or other
9 drugs is recited as an element of the offense, or any
10 similar out-of-state offense, or any combination of these
11 offenses, until the expiration of at least one year from
12 the date of the revocation. A restricted driving permit
13 issued under this Section shall be subject to cancellation,
14 revocation, and suspension by the Secretary of State in
15 like manner and for like cause as a driver's license issued
16 under this Code may be cancelled, revoked, or suspended;
17 except that a conviction upon one or more offenses against
18 laws or ordinances regulating the movement of traffic shall
19 be deemed sufficient cause for the revocation, suspension,
20 or cancellation of a restricted driving permit. The
21 Secretary of State may, as a condition to the issuance of a
22 restricted driving permit, require the petitioner to
23 participate in a designated driver remedial or
24 rehabilitative program. The Secretary of State is
25 authorized to cancel a restricted driving permit if the
26 permit holder does not successfully complete the program.

1 However, if an individual's driving privileges have been
2 revoked in accordance with paragraph 13 of subsection (a)
3 of this Section, no restricted driving permit shall be
4 issued until the individual has served 6 months of the
5 revocation period.

6 (c-5) (Blank).

7 (c-6) If a person is convicted of a second violation of
8 operating a motor vehicle while the person's driver's license,
9 permit or privilege was revoked, where the revocation was for a
10 violation of Section 9-3 of the Criminal Code of 1961 relating
11 to the offense of reckless homicide or a similar out-of-state
12 offense, the person's driving privileges shall be revoked
13 pursuant to subdivision (a)(15) of this Section. The person may
14 not make application for a license or permit until the
15 expiration of five years from the effective date of the
16 revocation or the expiration of five years from the date of
17 release from a term of imprisonment, whichever is later.

18 (c-7) If a person is convicted of a third or subsequent
19 violation of operating a motor vehicle while the person's
20 driver's license, permit or privilege was revoked, where the
21 revocation was for a violation of Section 9-3 of the Criminal
22 Code of 1961 relating to the offense of reckless homicide or a
23 similar out-of-state offense, the person may never apply for a
24 license or permit.

25 (d)(1) Whenever a person under the age of 21 is convicted
26 under Section 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense, the
2 Secretary of State shall revoke the driving privileges of that
3 person. One year after the date of revocation, and upon
4 application, the Secretary of State may, if satisfied that the
5 person applying will not endanger the public safety or welfare,
6 issue a restricted driving permit granting the privilege of
7 driving a motor vehicle only between the hours of 5 a.m. and 9
8 p.m. or as otherwise provided by this Section for a period of
9 one year. After this one year period, and upon reapplication
10 for a license as provided in Section 6-106, upon payment of the
11 appropriate reinstatement fee provided under paragraph (b) of
12 Section 6-118, the Secretary of State, in his discretion, may
13 reinstate the petitioner's driver's license and driving
14 privileges, or extend the restricted driving permit as many
15 times as the Secretary of State deems appropriate, by
16 additional periods of not more than 12 months each.

17 (2) If a person's license or permit is revoked or
18 suspended due to 2 or more convictions of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense, or Section 9-3
21 of the Criminal Code of 1961, where the use of alcohol or
22 other drugs is recited as an element of the offense, or a
23 similar out-of-state offense, or a combination of these
24 offenses, arising out of separate occurrences, that
25 person, if issued a restricted driving permit, may not
26 operate a vehicle unless it has been equipped with an

1 ignition interlock device as defined in Section 1-129.1.

2 (3) If a person's license or permit is revoked or
3 suspended 2 or more times within a 10 year period due to
4 any combination of:

5 (A) a single conviction 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, or
8 Section 9-3 of the Criminal Code of 1961, where the use
9 of alcohol or other drugs is recited as an element of
10 the offense, or a similar out-of-state offense; or

11 (B) a statutory summary suspension or revocation
12 under Section 11-501.1; or

13 (C) a suspension pursuant to Section 6-203.1;
14 arising out of separate occurrences, that person, if issued
15 a restricted driving permit, may not operate a vehicle
16 unless it has been equipped with an ignition interlock
17 device as defined in Section 1-129.1.

18 (4) The person issued a permit conditioned upon the use
19 of an interlock device must pay to the Secretary of State
20 DUI Administration Fund an amount not to exceed \$30 per
21 month. The Secretary shall establish by rule the amount and
22 the procedures, terms, and conditions relating to these
23 fees.

24 (5) If the restricted driving permit is issued for
25 employment purposes, then the prohibition against driving
26 a vehicle that is not equipped with an ignition interlock

1 device does not apply to the operation of an occupational
2 vehicle owned or leased by that person's employer when used
3 solely for employment purposes.

4 (6) A restricted driving permit issued under this
5 Section shall be subject to cancellation, revocation, and
6 suspension by the Secretary of State in like manner and for
7 like cause as a driver's license issued under this Code may
8 be cancelled, revoked, or suspended; except that a
9 conviction upon one or more offenses against laws or
10 ordinances regulating the movement of traffic shall be
11 deemed sufficient cause for the revocation, suspension, or
12 cancellation of a restricted driving permit.

13 (d-5) The revocation of the license, permit, or driving
14 privileges of a person convicted of a third or subsequent
15 violation of Section 6-303 of this Code committed while his or
16 her driver's license, permit, or privilege was revoked because
17 of a violation of Section 9-3 of the Criminal Code of 1961,
18 relating to the offense of reckless homicide, or a similar
19 provision of a law of another state, is permanent. The
20 Secretary may not, at any time, issue a license or permit to
21 that person.

22 (e) This Section is subject to the provisions of the Driver
23 License Compact.

24 (f) Any revocation imposed upon any person under
25 subsections 2 and 3 of paragraph (b) that is in effect on
26 December 31, 1988 shall be converted to a suspension for a like

1 period of time.

2 (g) The Secretary of State shall not issue a restricted
3 driving permit to a person under the age of 16 years whose
4 driving privileges have been revoked under any provisions of
5 this Code.

6 (h) The Secretary of State shall require the use of
7 ignition interlock devices on all vehicles owned by a person
8 who has been convicted of a second or subsequent offense under
9 Section 11-501 of this Code or a similar provision of a local
10 ordinance. The person must pay to the Secretary of State DUI
11 Administration Fund an amount not to exceed \$30 for each month
12 that he or she uses the device. The Secretary shall establish
13 by rule and regulation the procedures for certification and use
14 of the interlock system, the amount of the fee, and the
15 procedures, terms, and conditions relating to these fees.

16 (i) (Blank).

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

22 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
23 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
24 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
25 96-607, eff. 8-24-09.)

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

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

4 (a) The Secretary of State is authorized to suspend or
5 revoke the driving privileges of any person without preliminary
6 hearing upon a showing of the person's records or other
7 sufficient evidence that the person:

8 1. Has committed an offense for which mandatory
9 revocation of a driver's license or permit is required upon
10 conviction;

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

16 3. Has been repeatedly involved as a driver in motor
17 vehicle collisions or has been repeatedly convicted of
18 offenses against laws and ordinances regulating the
19 movement of traffic, to a degree that indicates lack of
20 ability to exercise ordinary and reasonable care in the
21 safe operation of a motor vehicle or disrespect for the
22 traffic laws and the safety of other persons upon the
23 highway;

24 4. Has by the unlawful operation of a motor vehicle
25 caused or contributed to an accident resulting in death or
26 injury requiring immediate professional treatment in a

1 medical facility or doctor's office to any person, except
2 that any suspension or revocation imposed by the Secretary
3 of State under the provisions of this subsection shall
4 start no later than 6 months after being convicted of
5 violating a law or ordinance regulating the movement of
6 traffic, which violation is related to the accident, or
7 shall start not more than one year after the date of the
8 accident, whichever date occurs later;

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

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

15 7. Has refused or failed to submit to an examination
16 provided for by Section 6-207 or has failed to pass the
17 examination;

18 8. Is ineligible for a driver's license or permit under
19 the provisions of Section 6-103;

20 9. Has made a false statement or knowingly concealed a
21 material fact or has used false information or
22 identification in any application for a license,
23 identification card, or permit;

24 10. Has possessed, displayed, or attempted to
25 fraudulently use any license, identification card, or
26 permit not issued to the person;

1 11. Has operated a motor vehicle upon a highway of this
2 State when the person's driving privilege or privilege to
3 obtain a driver's license or permit was revoked or
4 suspended unless the operation was authorized by a
5 monitoring device driving permit, judicial driving permit
6 issued prior to January 1, 2009, probationary license to
7 drive, or a restricted driving permit issued under this
8 Code;

9 12. Has submitted to any portion of the application
10 process for another person or has obtained the services of
11 another person to submit to any portion of the application
12 process for the purpose of obtaining a license,
13 identification card, or permit for some other person;

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

17 14. Has committed a violation of Section 6-301,
18 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
19 of the Illinois Identification Card Act;

20 15. Has been convicted of violating Section 21-2 of the
21 Criminal Code of 1961 relating to criminal trespass to
22 vehicles in which case, the suspension shall be for one
23 year;

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

26 17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the person
2 has not sought a hearing as provided for in Section
3 11-501.1;

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

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

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

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

16 22. Has used a motor vehicle in violating paragraph
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
18 the Criminal Code of 1961 relating to unlawful use of
19 weapons, in which case the suspension shall be for one
20 year;

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

25 24. Has been convicted by a court-martial or punished
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois of or
2 for a traffic related offense that is the same as or
3 similar to an offense specified under Section 6-205 or
4 6-206 of this Code;

5 25. Has permitted any form of identification to be used
6 by another in the application process in order to obtain or
7 attempt to obtain a license, identification card, or
8 permit;

9 26. Has altered or attempted to alter a license or has
10 possessed an altered license, identification card, or
11 permit;

12 27. Has violated Section 6-16 of the Liquor Control Act
13 of 1934;

14 28. Has been convicted of the illegal possession, while
15 operating or in actual physical control, as a driver, of a
16 motor vehicle, of any controlled substance prohibited
17 under the Illinois Controlled Substances Act, any cannabis
18 prohibited under the Cannabis Control Act, or any
19 methamphetamine prohibited under the Methamphetamine
20 Control and Community Protection Act, in which case the
21 person's driving privileges shall be suspended for one
22 year, and any driver who is convicted of a second or
23 subsequent offense, within 5 years of a previous
24 conviction, for the illegal possession, while operating or
25 in actual physical control, as a driver, of a motor
26 vehicle, of any controlled substance prohibited under the

1 Illinois Controlled Substances Act, any cannabis
2 prohibited under the Cannabis Control Act, or any
3 methamphetamine prohibited under the Methamphetamine
4 Control and Community Protection Act shall be suspended for
5 5 years. Any defendant found guilty of this offense while
6 operating a motor vehicle, shall have an entry made in the
7 court record by the presiding judge that this offense did
8 occur while the defendant was operating a motor vehicle and
9 order the clerk of the court to report the violation to the
10 Secretary of State;

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

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

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 or has submitted to a test resulting in an
2 alcohol concentration of 0.08 or more or any amount of a
3 drug, substance, or compound resulting from the unlawful
4 use or consumption of cannabis as listed in the Cannabis
5 Control Act, a controlled substance as listed in the
6 Illinois Controlled Substances Act, an intoxicating
7 compound as listed in the Use of Intoxicating Compounds
8 Act, or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act, in which case the
10 penalty shall be as prescribed in Section 6-208.1;

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

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

20 34. Has committed a violation of Section 11-1301.5 of
21 this Code;

22 35. Has committed a violation of Section 11-1301.6 of
23 this Code;

24 36. Is under the age of 21 years at the time of arrest
25 and has been convicted of not less than 2 offenses against
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or
2 suspension shall be entered more than 6 months after the
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of
5 Section 11-907 of this Code that resulted in damage to the
6 property of another or the death or injury of another;

7 38. Has been convicted of a violation of Section 6-20
8 of the Liquor Control Act of 1934 or a similar provision of
9 a local ordinance;

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

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

14 41. Has committed a second or subsequent violation of
15 Section 11-605.1 of this Code within 2 years of the date of
16 the previous violation, in which case the suspension shall
17 be for 90 days;

18 42. Has committed a violation of subsection (a-1) of
19 Section 11-1301.3 of this Code;

20 43. Has received a disposition of court supervision for
21 a violation of subsection (a), (d), or (e) of Section 6-20
22 of the Liquor Control Act of 1934 or a similar provision of
23 a local ordinance, in which case the suspension shall be
24 for a period of 3 months;

25 44. Is under the age of 21 years at the time of arrest
26 and has been convicted of an offense against traffic

1 regulations governing the movement of vehicles after
2 having previously had his or her driving privileges
3 suspended or revoked pursuant to subparagraph 36 of this
4 Section; or

5 45. Has, in connection with or during the course of a
6 formal hearing conducted under Section 2-118 of this Code:
7 (i) committed perjury; (ii) submitted fraudulent or
8 falsified documents; (iii) submitted documents that have
9 been materially altered; or (iv) submitted, as his or her
10 own, documents that were in fact prepared or composed for
11 another person.

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

19 (b) If any conviction forming the basis of a suspension or
20 revocation authorized under this Section is appealed, the
21 Secretary of State may rescind or withhold the entry of the
22 order of suspension or revocation, as the case may be, provided
23 that a certified copy of a stay order of a court is filed with
24 the Secretary of State. If the conviction is affirmed on
25 appeal, the date of the conviction shall relate back to the
26 time the original judgment of conviction was entered and the 6

1 month limitation prescribed shall not apply.

2 (c) 1. Upon suspending or revoking the driver's license or
3 permit of any person as authorized in this Section, the
4 Secretary of State shall immediately notify the person in
5 writing of the revocation or suspension. The notice to be
6 deposited in the United States mail, postage prepaid, to the
7 last known address of the person.

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

1 permit to operate a vehicle in connection with the driver's
2 regular occupation only. Unless the permit is issued by the
3 Secretary of State prior to the date of suspension, the
4 privilege to drive any motor vehicle shall be suspended as
5 set forth in the notice that was mailed under this Section.
6 If an affidavit is received subsequent to the effective
7 date of this suspension, a permit may be issued for the
8 remainder of the suspension period.

9 The provisions of this subparagraph shall not apply to
10 any driver required to possess a CDL for the purpose of
11 operating a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit
13 required herein shall be guilty of perjury under Section
14 6-302 and upon conviction thereof shall have all driving
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118
17 of this Code, the Secretary of State shall either rescind
18 or continue an order of revocation or shall substitute an
19 order of suspension; or, good cause appearing therefor,
20 rescind, continue, change, or extend the order of
21 suspension. If the Secretary of State does not rescind the
22 order, the Secretary may upon application, to relieve undue
23 hardship (as defined by the rules of the Secretary of
24 State), issue a restricted driving permit granting the
25 privilege of driving a motor vehicle between the
26 petitioner's residence and petitioner's place of

1 employment or within the scope of the petitioner's
2 employment related duties, or to allow the petitioner to
3 transport himself or herself, or a family member of the
4 petitioner's household to a medical facility, to receive
5 necessary medical care, to allow the petitioner to
6 transport himself or herself to and from alcohol or drug
7 remedial or rehabilitative activity recommended by a
8 licensed service provider, or to allow the petitioner to
9 transport himself or herself or a family member of the
10 petitioner's household to classes, as a student, at an
11 accredited educational institution, or to allow the
12 petitioner to transport children living in the
13 petitioner's household to and from daycare. The petitioner
14 must demonstrate that no alternative means of
15 transportation is reasonably available and that the
16 petitioner will not endanger the public safety or welfare.
17 Those multiple offenders identified in subdivision (b)4 of
18 Section 6-208 of this Code, however, shall not be eligible
19 for the issuance of a restricted driving permit.

20 (A) If a person's license or permit is revoked or
21 suspended due to 2 or more convictions of violating
22 Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, or
24 Section 9-3 of the Criminal Code of 1961, where the use
25 of alcohol or other drugs is recited as an element of
26 the offense, or a similar out-of-state offense, or a

1 combination of these offenses, arising out of separate
2 occurrences, that person, if issued a restricted
3 driving permit, may not operate a vehicle unless it has
4 been equipped with an ignition interlock device as
5 defined in Section 1-129.1.

6 (B) If a person's license or permit is revoked or
7 suspended 2 or more times within a 10 year period due
8 to any combination of:

9 (i) a single conviction of violating Section
10 11-501 of this Code or a similar provision of a
11 local ordinance or a similar out-of-state offense
12 or Section 9-3 of the Criminal Code of 1961, where
13 the use of alcohol or other drugs is recited as an
14 element of the offense, or a similar out-of-state
15 offense; or

16 (ii) a statutory summary suspension or
17 revocation under Section 11-501.1; or

18 (iii) a suspension under Section 6-203.1;
19 arising out of separate occurrences; that person, if
20 issued a restricted driving permit, may not operate a
21 vehicle unless it has been equipped with an ignition
22 interlock device as defined in Section 1-129.1.

23 (C) The person issued a permit conditioned upon the
24 use of an ignition interlock device must pay to the
25 Secretary of State DUI Administration Fund an amount
26 not to exceed \$30 per month. The Secretary shall

1 establish by rule the amount and the procedures, terms,
2 and conditions relating to these fees.

3 (D) If the restricted driving permit is issued for
4 employment purposes, then the prohibition against
5 operating a motor vehicle that is not equipped with an
6 ignition interlock device does not apply to the
7 operation of an occupational vehicle owned or leased by
8 that person's employer when used solely for employment
9 purposes.

10 (E) In each case the Secretary may issue a
11 restricted driving permit for a period deemed
12 appropriate, except that all permits shall expire
13 within one year from the date of issuance. The
14 Secretary may not, however, issue a restricted driving
15 permit to any person whose current revocation is the
16 result of a second or subsequent conviction for a
17 violation of Section 11-501 of this Code or a similar
18 provision of a local ordinance or any similar
19 out-of-state offense, or Section 9-3 of the Criminal
20 Code of 1961, where the use of alcohol or other drugs
21 is recited as an element of the offense, or any similar
22 out-of-state offense, or any combination of those
23 offenses, until the expiration of at least one year
24 from the date of the revocation. A restricted driving
25 permit issued under this Section shall be subject to
26 cancellation, revocation, and suspension by the

1 Secretary of State in like manner and for like cause as
2 a driver's license issued under this Code may be
3 cancelled, revoked, or suspended; except that a
4 conviction upon one or more offenses against laws or
5 ordinances regulating the movement of traffic shall be
6 deemed sufficient cause for the revocation,
7 suspension, or cancellation of a restricted driving
8 permit. The Secretary of State may, as a condition to
9 the issuance of a restricted driving permit, require
10 the applicant to participate in a designated driver
11 remedial or rehabilitative program. The Secretary of
12 State is authorized to cancel a restricted driving
13 permit if the permit holder does not successfully
14 complete the program.

15 (c-3) In the case of a suspension under paragraph 43 of
16 subsection (a), reports received by the Secretary of State
17 under this Section shall, except during the actual time the
18 suspension is in effect, be privileged information and for use
19 only by the courts, police officers, prosecuting authorities,
20 the driver licensing administrator of any other state, the
21 Secretary of State, or the parent or legal guardian of a driver
22 under the age of 18. However, beginning January 1, 2008, if the
23 person is a CDL holder, the suspension shall also be made
24 available to the driver licensing administrator of any other
25 state, the U.S. Department of Transportation, and the affected
26 driver or motor carrier or prospective motor carrier upon

1 request.

2 (c-4) In the case of a suspension under paragraph 43 of
3 subsection (a), the Secretary of State shall notify the person
4 by mail that his or her driving privileges and driver's license
5 will be suspended one month after the date of the mailing of
6 the notice.

7 (c-5) The Secretary of State may, as a condition of the
8 reissuance of a driver's license or permit to an applicant
9 whose driver's license or permit has been suspended before he
10 or she reached the age of 21 years pursuant to any of the
11 provisions of this Section, require the applicant to
12 participate in a driver remedial education course and be
13 retested under Section 6-109 of this Code.

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

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

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

25 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
26 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,

1 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
2 eff. 8-11-09; 96-607, eff. 8-24-09.)

3 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

4 Sec. 6-208.1. Period of statutory summary alcohol, other
5 drug, or intoxicating compound related suspension or
6 revocation.

7 (a) Unless the statutory summary suspension has been
8 rescinded, any person whose privilege to drive a motor vehicle
9 on the public highways has been summarily suspended, pursuant
10 to Section 11-501.1, shall not be eligible for restoration of
11 the privilege until the expiration of:

12 1. Twelve months from the effective date of the
13 statutory summary suspension for a refusal or failure to
14 complete a test or tests to determine the alcohol, drug, or
15 intoxicating compound concentration, pursuant to Section
16 11-501.1, if the person was not involved in a motor vehicle
17 crash that caused personal injury or death to another; or

18 2. Six months from the effective date of the statutory
19 summary suspension imposed following the person's
20 submission to a chemical test which disclosed an alcohol
21 concentration of 0.08 or more, or any amount of a drug,
22 substance, or intoxicating compound in such person's
23 breath, blood, or urine resulting from the unlawful use or
24 consumption of cannabis listed in the Cannabis Control Act,
25 a controlled substance listed in the Illinois Controlled

1 Substances Act, an intoxicating compound listed in the Use
2 of Intoxicating Compounds Act, or methamphetamine as
3 listed in the Methamphetamine Control and Community
4 Protection Act, pursuant to Section 11-501.1; or

5 3. Three years from the effective date of the statutory
6 summary suspension for any person other than a first
7 offender who refuses or fails to complete a test or tests
8 to determine the alcohol, drug, or intoxicating compound
9 concentration pursuant to Section 11-501.1; or

10 4. One year from the effective date of the summary
11 suspension imposed for any person other than a first
12 offender following submission to a chemical test which
13 disclosed an alcohol concentration of 0.08 or more pursuant
14 to Section 11-501.1 or any amount of a drug, substance or
15 compound in such person's blood or urine resulting from the
16 unlawful use or consumption of cannabis listed in the
17 Cannabis Control Act, a controlled substance listed in the
18 Illinois Controlled Substances Act, an intoxicating
19 compound listed in the Use of Intoxicating Compounds Act,
20 or methamphetamine as listed in the Methamphetamine
21 Control and Community Protection Act.

22 (a-1) Unless the statutory summary revocation has been
23 rescinded, any person whose privilege to drive has been
24 summarily revoked pursuant to Section 11-501.1 may not make
25 application for a license or permit until the expiration of one
26 year from the effective date of the summary revocation.

1 (b) Following a statutory summary suspension of the
2 privilege to drive a motor vehicle under Section 11-501.1,
3 driving privileges shall be restored unless the person is
4 otherwise suspended, revoked, or cancelled by this Code. If the
5 court has reason to believe that the person's driving privilege
6 should not be restored, the court shall notify the Secretary of
7 State prior to the expiration of the statutory summary
8 suspension so appropriate action may be taken pursuant to this
9 Code.

10 (c) Driving privileges may not be restored until all
11 applicable reinstatement fees, as provided by this Code, have
12 been paid to the Secretary of State and the appropriate entry
13 made to the driver's record.

14 (d) Where a driving privilege has been summarily suspended
15 or revoked under Section 11-501.1 and the person is
16 subsequently convicted of violating Section 11-501, or a
17 similar provision of a local ordinance, for the same incident,
18 any period served on statutory summary suspension or revocation
19 shall be credited toward the minimum period of revocation of
20 driving privileges imposed pursuant to Section 6-205.

21 (e) Following a statutory summary suspension of driving
22 privileges pursuant to Section 11-501.1, for a first offender,
23 the circuit court shall, unless the offender has opted in
24 writing not to have a monitoring device driving permit issued,
25 order the Secretary of State to issue a monitoring device
26 driving permit as provided in Section 6-206.1. A monitoring

1 device driving permit shall not be effective prior to the 31st
2 day of the statutory summary suspension. A first offender who
3 refused chemical testing and whose driving privileges were
4 summarily revoked pursuant to Section 11-501.1 shall not be
5 eligible for any type of driving permit or privilege during the
6 summary revocation.

7 (f) (Blank).

8 (g) Following a statutory summary suspension of driving
9 privileges pursuant to Section 11-501.1 where the person was
10 not a first offender, as defined in Section 11-500, the
11 Secretary of State may not issue a restricted driving permit.

12 (h) (Blank).

13 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
14 eff. 8-21-08.)

15 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

16 Sec. 6-303. Driving while driver's license, permit or
17 privilege to operate a motor vehicle is suspended or revoked.

18 (a) Except as otherwise provided in subsection (a-5), any
19 person who drives or is in actual physical control of a motor
20 vehicle on any highway of this State at a time when such
21 person's driver's license, permit or privilege to do so or the
22 privilege to obtain a driver's license or permit is revoked or
23 suspended as provided by this Code or the law of another state,
24 except as may be specifically allowed by a judicial driving
25 permit issued prior to January 1, 2009, monitoring device

1 driving permit, family financial responsibility driving
2 permit, probationary license to drive, or a restricted driving
3 permit issued pursuant to this Code or under the law of another
4 state, shall be guilty of a Class A misdemeanor.

5 (a-5) Any person who violates this Section as provided in
6 subsection (a) while his or her driver's license, permit or
7 privilege is revoked because of a violation of Section 9-3 of
8 the Criminal Code of 1961, relating to the offense of reckless
9 homicide or a similar provision of a law of another state, is
10 guilty of a Class 4 felony. The person shall be required to
11 undergo a professional evaluation, as provided in Section
12 11-501 of this Code, to determine if an alcohol, drug, or
13 intoxicating compound problem exists and the extent of the
14 problem, and to undergo the imposition of treatment as
15 appropriate.

16 (b) (Blank).

17 (b-1) Upon receiving a report of the conviction of any
18 violation indicating a person was operating a motor vehicle
19 during the time when the person's driver's license, permit or
20 privilege was suspended by the Secretary of State or the
21 driver's licensing administrator of another state, except as
22 specifically allowed by a probationary license, judicial
23 driving permit, restricted driving permit or monitoring device
24 driving permit the Secretary shall extend the suspension for
25 the same period of time as the originally imposed suspension
26 unless the suspension has already expired, in which case the

1 Secretary shall be authorized to suspend the person's driving
2 privileges for the same period of time as the originally
3 imposed suspension.

4 (b-2) Except as provided in subsection (b-6), upon
5 receiving a report of the conviction of any violation
6 indicating a person was operating a motor vehicle when the
7 person's driver's license, permit or privilege was revoked by
8 the Secretary of State or the driver's license administrator of
9 any other state, except as specifically allowed by a restricted
10 driving permit issued pursuant to this Code or the law of
11 another state, the Secretary shall not issue a driver's license
12 for an additional period of one year from the date of such
13 conviction indicating such person was operating a vehicle
14 during such period of revocation.

15 (b-3) (Blank).

16 (b-4) When the Secretary of State receives a report of a
17 conviction of any violation indicating a person was operating a
18 motor vehicle that was not equipped with an ignition interlock
19 device during a time when the person was prohibited from
20 operating a motor vehicle not equipped with such a device, the
21 Secretary shall not issue a driver's license to that person for
22 an additional period of one year from the date of the
23 conviction.

24 (b-5) Any person convicted of violating this Section shall
25 serve a minimum term of imprisonment of 30 consecutive days or
26 300 hours of community service when the person's driving

1 privilege was revoked or suspended as a result of a violation
2 of Section 9-3 of the Criminal Code of 1961, as amended,
3 relating to the offense of reckless homicide, or a similar
4 provision of a law of another state.

5 (b-6) Upon receiving a report of a first conviction of
6 operating a motor vehicle while the person's driver's license,
7 permit or privilege was revoked where the revocation was for a
8 violation of Section 9-3 of the Criminal Code of 1961 relating
9 to the offense of reckless homicide or a similar out-of-state
10 offense, the Secretary shall not issue a driver's license for
11 an additional period of three years from the date of such
12 conviction.

13 (c) Except as provided in subsections (c-3) and (c-4), any
14 person convicted of violating this Section shall serve a
15 minimum term of imprisonment of 10 consecutive days or 30 days
16 of community service when the person's driving privilege was
17 revoked or suspended as a result of:

18 (1) a violation of Section 11-501 of this Code or a
19 similar provision of a local ordinance relating to the
20 offense of operating or being in physical control of a
21 vehicle while under the influence of alcohol, any other
22 drug or any combination thereof; or

23 (2) a violation of paragraph (b) of Section 11-401 of
24 this Code or a similar provision of a local ordinance
25 relating to the offense of leaving the scene of a motor
26 vehicle accident involving personal injury or death; or

1 (3) a statutory summary suspension or revocation under
2 Section 11-501.1 of this Code.

3 Such sentence of imprisonment or community service shall
4 not be subject to suspension in order to reduce such sentence.

5 (c-1) Except as provided in subsections (c-5) and (d), any
6 person convicted of a second violation of this Section shall be
7 ordered by the court to serve a minimum of 100 hours of
8 community service.

9 (c-2) In addition to other penalties imposed under this
10 Section, the court may impose on any person convicted a fourth
11 time of violating this Section any of the following:

12 (1) Seizure of the license plates of the person's
13 vehicle.

14 (2) Immobilization of the person's vehicle for a period
15 of time to be determined by the court.

16 (c-3) Any person convicted of a violation of this Section
17 during a period of summary suspension imposed pursuant to
18 Section 11-501.1 when the person was eligible for a MDDP shall
19 be guilty of a Class 4 felony and shall serve a minimum term of
20 imprisonment of 30 days.

21 (c-4) Any person who has been issued a MDDP and who is
22 convicted of a violation of this Section as a result of
23 operating or being in actual physical control of a motor
24 vehicle not equipped with an ignition interlock device at the
25 time of the offense shall be guilty of a Class 4 felony and
26 shall serve a minimum term of imprisonment of 30 days.

1 (c-5) Any person convicted of a second violation of this
2 Section is guilty of a Class 2 felony, is not eligible for
3 probation or conditional discharge, and shall serve a mandatory
4 term of imprisonment, if the revocation or suspension was for a
5 violation of Section 9-3 of the Criminal Code of 1961, relating
6 to the offense of reckless homicide, or a similar out-of-state
7 offense.

8 (d) Any person convicted of a second violation of this
9 Section shall be guilty of a Class 4 felony and shall serve a
10 minimum term of imprisonment of 30 days or 300 hours of
11 community service, as determined by the court, if the original
12 revocation or suspension was for a violation of Section 11-401
13 or 11-501 of this Code, or a similar out-of-state offense, or a
14 similar provision of a local ordinance, or a statutory summary
15 suspension or revocation under Section 11-501.1 of this Code.

16 (d-1) Except as provided in subsections (d-2), (d-2.5), and
17 (d-3), any person convicted of a third or subsequent violation
18 of this Section shall serve a minimum term of imprisonment of
19 30 days or 300 hours of community service, as determined by the
20 court.

21 (d-2) Any person convicted of a third violation of this
22 Section is guilty of a Class 4 felony and must serve a minimum
23 term of imprisonment of 30 days if the revocation or suspension
24 was for a violation of Section 11-401 or 11-501 of this Code,
25 or a similar out-of-state offense, or a similar provision of a
26 local ordinance, or a statutory summary suspension or

1 revocation under Section 11-501.1 of this Code.

2 (d-2.5) Any person convicted of a third violation of this
3 Section is guilty of a Class 1 felony, is not eligible for
4 probation or conditional discharge, and must serve a mandatory
5 term of imprisonment if the revocation or suspension was for a
6 violation of Section 9-3 of the Criminal Code of 1961, relating
7 to the offense of reckless homicide, or a similar out-of-state
8 offense. The person's driving privileges shall be revoked for
9 the remainder of the person's life.

10 (d-3) Any person convicted of a fourth, fifth, sixth,
11 seventh, eighth, or ninth violation of this Section is guilty
12 of a Class 4 felony and must serve a minimum term of
13 imprisonment of 180 days if the revocation or suspension was
14 for a violation of Section 11-401 or 11-501 of this Code, or a
15 similar out-of-state offense, or a similar provision of a local
16 ordinance, or a statutory summary suspension or revocation
17 under Section 11-501.1 of this Code.

18 (d-3.5) Any person convicted of a fourth or subsequent
19 violation of this Section is guilty of a Class 1 felony, is not
20 eligible for probation or conditional discharge, and must serve
21 a mandatory term of imprisonment, and is eligible for an
22 extended term, if the revocation or suspension was for a
23 violation of Section 9-3 of the Criminal Code of 1961, relating
24 to the offense of reckless homicide, or a similar out-of-state
25 offense.

26 (d-4) Any person convicted of a tenth, eleventh, twelfth,

1 thirteenth, or fourteenth violation of this Section is guilty
2 of a Class 3 felony, and is not eligible for probation or
3 conditional discharge, if the revocation or suspension was for
4 a violation of Section 11-401 or 11-501 of this Code, or a
5 similar out-of-state offense, or a similar provision of a local
6 ordinance, or a statutory summary suspension or revocation
7 under Section 11-501.1 of this Code.

8 (d-5) Any person convicted of a fifteenth or subsequent
9 violation of this Section is guilty of a Class 2 felony, and is
10 not eligible for probation or conditional discharge, if the
11 revocation or suspension was for a violation of Section 11-401
12 or 11-501 of this Code, or a similar out-of-state offense, or a
13 similar provision of a local ordinance, or a statutory summary
14 suspension or revocation under Section 11-501.1 of this Code.

15 (e) Any person in violation of this Section who is also in
16 violation of Section 7-601 of this Code relating to mandatory
17 insurance requirements, in addition to other penalties imposed
18 under this Section, shall have his or her motor vehicle
19 immediately impounded by the arresting law enforcement
20 officer. The motor vehicle may be released to any licensed
21 driver upon a showing of proof of insurance for the vehicle
22 that was impounded and the notarized written consent for the
23 release by the vehicle owner.

24 (f) For any prosecution under this Section, a certified
25 copy of the driving abstract of the defendant shall be admitted
26 as proof of any prior conviction.

1 (g) The motor vehicle used in a violation of this Section
2 is subject to seizure and forfeiture as provided in Sections
3 36-1 and 36-2 of the Criminal Code of 1961 if the person's
4 driving privilege was revoked or suspended as a result of a
5 violation listed in paragraph (1) or (2) of subsection (c) of
6 this Section, as a result of a summary suspension or revocation
7 as provided in paragraph (3) of subsection (c) of this Section,
8 or as a result of a violation of Section 9-3 of the Criminal
9 Code of 1961 relating to the offense of reckless homicide.

10 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,
11 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,
12 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09; revised
13 9-15-09.)

14 (625 ILCS 5/6-520) (from Ch. 95 1/2, par. 6-520)

15 Sec. 6-520. CDL disqualification or out-of-service order;
16 hearing.

17 (a) A disqualification of commercial driving privileges by
18 the Secretary of State, pursuant to this UCDLA, shall not
19 become effective until the person is notified in writing, by
20 the Secretary, of the impending disqualification and advised
21 that a CDL hearing may be requested of the Secretary if the
22 stop or arrest occurred in a commercial motor vehicle.

23 (b) Upon receipt of: the notice of a CDL disqualification
24 not based upon a conviction; an out-of-service order; or
25 notification that a CDL disqualification is forthcoming, the

1 person may make a written petition in a form, approved by the
2 Secretary of State, for a CDL hearing with the Secretary if the
3 stop or arrest occurred in a commercial motor vehicle. Such
4 petition must state the grounds upon which the person seeks to
5 have the CDL disqualification rescinded or the out-of-service
6 order removed from the person's driving record. Within 10 days
7 after the receipt of such petition, it shall be reviewed by the
8 Director of the Department of Administrative Hearings, Office
9 of the Secretary of State, or by an appointed designee. If it
10 is determined that the petition on its face does not state
11 grounds upon which the relief may be based, the petition for a
12 CDL hearing shall be denied and the disqualification shall
13 become effective as if no petition had been filed and the
14 out-of-service order shall be sustained. If such petition is so
15 denied, the person may submit another petition.

16 (c) The scope of a CDL hearing, for any disqualification
17 imposed pursuant to paragraphs (1) and (2) of subsection (a) of
18 Section 6-514, resulting from the operation of a commercial
19 motor vehicle, shall be limited to the following issues:

20 1. Whether the person was operating a commercial motor
21 vehicle;

22 2. Whether, after making the initial stop, the police
23 officer had probable cause to issue a Sworn Report;

24 3. Whether the person was verbally warned of the
25 ensuing consequences prior to submitting to any type of
26 chemical test or tests to determine such person's blood

1 concentration of alcohol, other drug, or both;

2 4. Whether the person did refuse to submit to or failed
3 to complete the chemical testing or did submit to such test
4 or tests and such test or tests disclosed an alcohol
5 concentration of at least 0.04 or any amount of a drug,
6 substance, or compound resulting from the unlawful use or
7 consumption of cannabis listed in the Cannabis Control Act
8 or a controlled substance listed in the Illinois Controlled
9 Substances Act or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act in
11 the person's system;

12 5. Whether the person was warned that if the test or
13 tests disclosed an alcohol concentration of 0.08 or more or
14 any amount of a drug, substance, or compound resulting from
15 the unlawful use or consumption of cannabis listed in the
16 Cannabis Control Act or a controlled substance listed in
17 the Illinois Controlled Substances Act or methamphetamine
18 as listed in the Methamphetamine Control and Community
19 Protection Act, such results could be admissible in a
20 subsequent prosecution under Section 11-501 of this Code or
21 similar provision of local ordinances; and

22 6. Whether such results could not be used to impose any
23 driver's license sanctions pursuant to Section 11-501.1.

24 Upon the conclusion of the above CDL hearing, the CDL
25 disqualification imposed shall either be sustained or
26 rescinded.

1 (d) The scope of a CDL hearing for any out-of-service
2 sanction, imposed pursuant to Section 6-515, shall be limited
3 to the following issues:

4 1. Whether the person was driving a commercial motor
5 vehicle;

6 2. Whether, while driving such commercial motor
7 vehicle, the person had alcohol or any amount of a drug,
8 substance, or compound resulting from the unlawful use or
9 consumption of cannabis listed in the Cannabis Control Act
10 or a controlled substance listed in the Illinois Controlled
11 Substances Act or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act in
13 such person's system;

14 3. Whether the person was verbally warned of the
15 ensuing consequences prior to being asked to submit to any
16 type of chemical test or tests to determine such person's
17 alcohol, other drug, or both, concentration; and

18 4. Whether, after being so warned, the person did
19 refuse to submit to or failed to complete such chemical
20 test or tests or did submit to such test or tests and such
21 test or tests disclosed an alcohol concentration greater
22 than 0.00 or any amount of a drug, substance, or compound
23 resulting from the unlawful use or consumption of cannabis
24 listed in the Cannabis Control Act or a controlled
25 substance listed in the Illinois Controlled Substances Act
26 or methamphetamine as listed in the Methamphetamine

1 Control and Community Protection Act.

2 Upon the conclusion of the above CDL hearing, the
3 out-of-service sanction shall either be sustained or removed
4 from the person's driving record.

5 (e) If any person petitions for a hearing relating to any
6 CDL disqualification based upon a conviction, as defined in
7 this UCDLA, said hearing shall not be conducted as a CDL
8 hearing, but shall be conducted as any other driver's license
9 hearing, whether formal or informal, as promulgated in the
10 rules and regulations of the Secretary.

11 (f) Any evidence of alcohol or other drug consumption, for
12 the purposes of this UCDLA, shall be sufficient probable cause
13 for requesting the driver to submit to a chemical test or tests
14 to determine the presence of alcohol, other drug, or both in
15 the person's system and the subsequent issuance of an
16 out-of-service order or a Sworn Report by a police officer.

17 (g) For the purposes of this UCDLA, a CDL "hearing" shall
18 mean a hearing before the Office of the Secretary of State in
19 accordance with Section 2-118 of this Code, for the purpose of
20 resolving differences or disputes specifically related to the
21 scope of the issues identified in this Section relating to the
22 operation of a commercial motor vehicle. These proceedings will
23 be a matter of record and a final appealable order issued. The
24 petition for a CDL hearing shall not stay or delay the
25 effective date of the impending disqualification.

26 (h) The CDL hearing may be conducted upon a review of the

1 police officer's own official reports; provided however, that
2 the petitioner may subpoena the officer. Failure of the officer
3 to answer the subpoena shall be grounds for a continuance.

4 (i) Any CDL disqualification based upon a statutory summary
5 suspension or revocation resulting from an arrest of a CDL
6 holder while operating a non-commercial motor vehicle, may only
7 be contested by filing a petition to contest the statutory
8 summary suspension or revocation in the appropriate circuit
9 court as provided for in Section 2-118.1 of this Code.

10 (Source: P.A. 95-382, eff. 8-23-07.)

11 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

12 Sec. 11-401. Motor vehicle accidents involving death or
13 personal injuries.

14 (a) The driver of any vehicle involved in a motor vehicle
15 accident resulting in personal injury to or death of any person
16 shall immediately stop such vehicle at the scene of such
17 accident, or as close thereto as possible and shall then
18 forthwith return to, and in every event shall remain at the
19 scene of the accident until the requirements of Section 11-403
20 have been fulfilled. Every such stop shall be made without
21 obstructing traffic more than is necessary.

22 (b) Any person who has failed to stop or to comply with the
23 requirements of paragraph (a) shall, as soon as possible but in
24 no case later than one-half hour after such motor vehicle
25 accident, or, if hospitalized and incapacitated from reporting

1 at any time during such period, as soon as possible but in no
2 case later than one-half hour after being discharged from the
3 hospital, report the place of the accident, the date, the
4 approximate time, the driver's name and address, the
5 registration number of the vehicle driven, and the names of all
6 other occupants of such vehicle, at a police station or
7 sheriff's office near the place where such accident occurred.
8 No report made as required under this paragraph shall be used,
9 directly or indirectly, as a basis for the prosecution of any
10 violation of paragraph (a).

11 (b-1) Any person arrested for violating this Section is
12 subject to chemical testing of his or her blood, breath, or
13 urine for the presence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any combination
15 thereof, as provided in Section 11-501.1, if the testing occurs
16 within 12 hours of the time of the occurrence of the accident
17 that led to his or her arrest. The person's driving privileges
18 are subject to statutory summary suspension under Section
19 11-501.1 if he or she fails testing or statutory summary
20 revocation under Section 11-501.1 if he or she refuses to
21 undergo the testing.

22 For purposes of this Section, personal injury shall mean
23 any injury requiring immediate professional treatment in a
24 medical facility or doctor's office.

25 (c) Any person failing to comply with paragraph (a) shall
26 be guilty of a Class 4 felony.

1 (d) Any person failing to comply with paragraph (b) is
2 guilty of a Class 2 felony if the motor vehicle accident does
3 not result in the death of any person. Any person failing to
4 comply with paragraph (b) when the accident results in the
5 death of any person is guilty of a Class 1 felony.

6 (e) The Secretary of State shall revoke the driving
7 privilege of any person convicted of a violation of this
8 Section.

9 (Source: P.A. 94-115, eff. 1-1-06; 95-347, eff. 1-1-08.)

10 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

11 Sec. 11-500. Definitions. For the purposes of interpreting
12 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
13 shall mean any person who has not had a previous conviction or
14 court assigned supervision for violating Section 11-501, or a
15 similar provision of a local ordinance, or a conviction in any
16 other state for a violation of driving while under the
17 influence or a similar offense where the cause of action is the
18 same or substantially similar to this Code or similar offenses
19 committed on a military installation, or any person who has not
20 had a driver's license suspension pursuant to paragraph 6 of
21 subsection (a) of Section 6-206 as the result of refusal of
22 chemical testing in another state, or any person who has not
23 had a driver's license suspension or revocation for violating
24 Section 11-501.1 within 5 years prior to the date of the
25 current offense, except in cases where the driver submitted to

1 chemical testing resulting in an alcohol concentration of 0.08
2 or more, or any amount of a drug, substance, or compound in
3 such person's blood or urine resulting from the unlawful use or
4 consumption of cannabis listed in the Cannabis Control Act, a
5 controlled substance listed in the Illinois Controlled
6 Substances Act, or an intoxicating compound listed in the Use
7 of Intoxicating Compounds Act, or methamphetamine as listed in
8 the Methamphetamine Control and Community Protection Act and
9 was subsequently found not guilty of violating Section 11-501,
10 or a similar provision of a local ordinance.

11 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09.)

12 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

13 Sec. 11-501.1. Suspension of drivers license; statutory
14 summary alcohol, other drug or drugs, or intoxicating compound
15 or compounds related suspension or revocation; implied
16 consent.

17 (a) Any person who drives or is in actual physical control
18 of a motor vehicle upon the public highways of this State shall
19 be deemed to have given consent, subject to the provisions of
20 Section 11-501.2, to a chemical test or tests of blood, breath,
21 or urine for the purpose of determining the content of alcohol,
22 other drug or drugs, or intoxicating compound or compounds or
23 any combination thereof in the person's blood if arrested, as
24 evidenced by the issuance of a Uniform Traffic Ticket, for any
25 offense as defined in Section 11-501 or a similar provision of

1 a local ordinance, or if arrested for violating Section 11-401.
2 The test or tests shall be administered at the direction of the
3 arresting officer. The law enforcement agency employing the
4 officer shall designate which of the aforesaid tests shall be
5 administered. A urine test may be administered even after a
6 blood or breath test or both has been administered. For
7 purposes of this Section, an Illinois law enforcement officer
8 of this State who is investigating the person for any offense
9 defined in Section 11-501 may travel into an adjoining state,
10 where the person has been transported for medical care, to
11 complete an investigation and to request that the person submit
12 to the test or tests set forth in this Section. The
13 requirements of this Section that the person be arrested are
14 inapplicable, but the officer shall issue the person a Uniform
15 Traffic Ticket for an offense as defined in Section 11-501 or a
16 similar provision of a local ordinance prior to requesting that
17 the person submit to the test or tests. The issuance of the
18 Uniform Traffic Ticket shall not constitute an arrest, but
19 shall be for the purpose of notifying the person that he or she
20 is subject to the provisions of this Section and of the
21 officer's belief of the existence of probable cause to arrest.
22 Upon returning to this State, the officer shall file the
23 Uniform Traffic Ticket with the Circuit Clerk of the county
24 where the offense was committed, and shall seek the issuance of
25 an arrest warrant or a summons for the person.

26 (b) Any person who is dead, unconscious, or who is

1 otherwise in a condition rendering the person incapable of
2 refusal, shall be deemed not to have withdrawn the consent
3 provided by paragraph (a) of this Section and the test or tests
4 may be administered, subject to the provisions of Section
5 11-501.2.

6 (c) A person requested to submit to a test as provided
7 above shall be warned by the law enforcement officer requesting
8 the test that a refusal to submit to the test will result in
9 the statutory summary suspension of the person's privilege to
10 operate a motor vehicle, as provided in Section 6-208.1 of this
11 Code, and will also result in the disqualification of the
12 person's privilege to operate a commercial motor vehicle, as
13 provided in Section 6-514 of this Code, if the person is a CDL
14 holder. The person shall also be warned that a refusal to
15 submit to the test, when the person was involved in a motor
16 vehicle accident that caused personal injury or death to
17 another, will result in the statutory summary revocation of the
18 person's privilege to operate a motor vehicle, as provided in
19 Section 6-208.1, and will also result in the disqualification
20 of the person's privilege to operate a commercial motor
21 vehicle, as provided in Section 6-514 of this Code, if the
22 person is a CDL holder. The person shall also be warned by the
23 law enforcement officer that if the person submits to the test
24 or tests provided in paragraph (a) of this Section and the
25 alcohol concentration in the person's blood or breath is 0.08
26 or greater, or any amount of a drug, substance, or compound

1 resulting from the unlawful use or consumption of cannabis as
2 covered by the Cannabis Control Act, a controlled substance
3 listed in the Illinois Controlled Substances Act, an
4 intoxicating compound listed in the Use of Intoxicating
5 Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act is
7 detected in the person's blood or urine, a statutory summary
8 suspension of the person's privilege to operate a motor
9 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
10 Code, and a disqualification of the person's privilege to
11 operate a commercial motor vehicle, as provided in Section
12 6-514 of this Code, if the person is a CDL holder, will be
13 imposed.

14 A person who is under the age of 21 at the time the person
15 is requested to submit to a test as provided above shall, in
16 addition to the warnings provided for in this Section, be
17 further warned by the law enforcement officer requesting the
18 test that if the person submits to the test or tests provided
19 in paragraph (a) of this Section and the alcohol concentration
20 in the person's blood or breath is greater than 0.00 and less
21 than 0.08, a suspension of the person's privilege to operate a
22 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
23 of this Code, will be imposed. The results of this test shall
24 be admissible in a civil or criminal action or proceeding
25 arising from an arrest for an offense as defined in Section
26 11-501 of this Code or a similar provision of a local ordinance

1 or pursuant to Section 11-501.4 in prosecutions for reckless
2 homicide brought under the Criminal Code of 1961. These test
3 results, however, shall be admissible only in actions or
4 proceedings directly related to the incident upon which the
5 test request was made.

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

21 (e) Upon receipt of the sworn report of a law enforcement
22 officer submitted under paragraph (d), the Secretary of State
23 shall enter the statutory summary suspension or revocation and
24 disqualification for the periods specified in Sections 6-208.1
25 and 6-514, respectively, and effective as provided in paragraph
26 (g).

1 If the person is a first offender as defined in Section
2 11-500 of this Code, and is not convicted of a violation of
3 Section 11-501 of this Code or a similar provision of a local
4 ordinance, then reports received by the Secretary of State
5 under this Section shall, except during the actual time the
6 Statutory Summary Suspension is in effect, be privileged
7 information and for use only by the courts, police officers,
8 prosecuting authorities or the Secretary of State. However,
9 beginning January 1, 2008, if the person is a CDL holder, the
10 statutory summary suspension shall also be made available to
11 the driver licensing administrator of any other state, the U.S.
12 Department of Transportation, and the affected driver or motor
13 carrier or prospective motor carrier upon request. Reports
14 received by the Secretary of State under this Section shall
15 also be made available to the parent or guardian of a person
16 under the age of 18 years that holds an instruction permit or a
17 graduated driver's license, regardless of whether the
18 statutory summary suspension is in effect. A statutory summary
19 revocation shall not be privileged information.

20 (f) The law enforcement officer submitting the sworn report
21 under paragraph (d) shall serve immediate notice of the
22 statutory summary suspension or revocation on the person and
23 the suspension or revocation and disqualification shall be
24 effective as provided in paragraph (g). In cases where the
25 blood alcohol concentration of 0.08 or greater or any amount of
26 a drug, substance, or compound resulting from the unlawful use

1 or consumption of cannabis as covered by the Cannabis Control
2 Act, a controlled substance listed in the Illinois Controlled
3 Substances Act, an intoxicating compound listed in the Use of
4 Intoxicating Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act is
6 established by a subsequent analysis of blood or urine
7 collected at the time of arrest, the arresting officer or
8 arresting agency shall give notice as provided in this Section
9 or by deposit in the United States mail of the notice in an
10 envelope with postage prepaid and addressed to the person at
11 his address as shown on the Uniform Traffic Ticket and the
12 statutory summary suspension and disqualification shall begin
13 as provided in paragraph (g). The officer shall confiscate any
14 Illinois driver's license or permit on the person at the time
15 of arrest. If the person has a valid driver's license or
16 permit, the officer shall issue the person a receipt, in a form
17 prescribed by the Secretary of State, that will allow that
18 person to drive during the periods provided for in paragraph
19 (g). The officer shall immediately forward the driver's license
20 or permit to the circuit court of venue along with the sworn
21 report provided for in paragraph (d).

22 (g) The statutory summary suspension or revocation and
23 disqualification referred to in this Section shall take effect
24 on the 46th day following the date the notice of the statutory
25 summary suspension or revocation was given to the person.

26 (h) The following procedure shall apply whenever a person

1 is arrested for any offense as defined in Section 11-501 or a
2 similar provision of a local ordinance:

3 Upon receipt of the sworn report from the law enforcement
4 officer, the Secretary of State shall confirm the statutory
5 summary suspension or revocation by mailing a notice of the
6 effective date of the suspension or revocation to the person
7 and the court of venue. The Secretary of State shall also mail
8 notice of the effective date of the disqualification to the
9 person. However, should the sworn report be defective by not
10 containing sufficient information or be completed in error, the
11 confirmation of the statutory summary suspension or revocation
12 shall not be mailed to the person or entered to the record;
13 instead, the sworn report shall be forwarded to the court of
14 venue with a copy returned to the issuing agency identifying
15 any defect.

16 (i) As used in this Section, "personal injury" includes any
17 Type A injury as indicated on the traffic accident report
18 completed by a law enforcement officer that requires immediate
19 professional attention in either a doctor's office or a medical
20 facility. A Type A injury includes severely bleeding wounds,
21 distorted extremities, and injuries that require the injured
22 party to be carried from the scene.

23 (Source: P.A. 94-115, eff. 1-1-06; 95-201, eff. 1-1-08; 95-382,
24 eff. 8-23-07; 95-876, eff. 8-21-08.)

25 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

1 Sec. 11-501.6. Driver involvement in personal injury or
2 fatal motor vehicle accident not involving an arrest for a
3 violation of Section 11-501; driving under the influence of
4 alcohol, other drug or drugs, intoxicating compounds, or any
5 combination thereof; chemical ~~accident~~ ~~chemical~~ test.

6 (a) Any person who drives or is in actual control of a
7 motor vehicle upon the public highways of this State and who
8 has been involved in a personal injury or fatal motor vehicle
9 accident, shall be deemed to have given consent to a breath
10 test using a portable device as approved by the Department of
11 State Police or to a chemical test or tests of blood, breath,
12 or urine for the purpose of determining the content of alcohol,
13 other drug or drugs, or intoxicating compound or compounds of
14 such person's blood if arrested as evidenced by the issuance of
15 a Uniform Traffic Ticket for any violation of the Illinois
16 Vehicle Code or a similar provision of a local ordinance, with
17 the exception of equipment violations contained in Chapter 12
18 of this Code, or similar provisions of local ordinances. This
19 Section shall not apply to those persons arrested for a
20 violation of Section 11-501 or a similar violation of a local
21 ordinance, in which case the provisions of Section 11-501.1
22 shall apply. The test or tests shall be administered at the
23 direction of the arresting officer. The law enforcement agency
24 employing the officer shall designate which of the aforesaid
25 tests shall be administered. A urine test may be administered
26 even after a blood or breath test or both has been

1 administered. Compliance with this Section does not relieve
2 such person from the requirements of Section 11-501.1 of this
3 Code.

4 (b) Any person who is dead, unconscious or who is otherwise
5 in a condition rendering such person incapable of refusal shall
6 be deemed not to have withdrawn the consent provided by
7 subsection (a) of this Section. In addition, if a driver of a
8 vehicle is receiving medical treatment as a result of a motor
9 vehicle accident, any physician licensed to practice medicine,
10 registered nurse or a phlebotomist acting under the direction
11 of a licensed physician shall withdraw blood for testing
12 purposes to ascertain the presence of alcohol, other drug or
13 drugs, or intoxicating compound or compounds, upon the specific
14 request of a law enforcement officer. However, no such testing
15 shall be performed until, in the opinion of the medical
16 personnel on scene, the withdrawal can be made without
17 interfering with or endangering the well-being of the patient.

18 (c) A person requested to submit to a test as provided
19 above shall be warned by the law enforcement officer requesting
20 the test that a refusal to submit to the test, or submission to
21 the test resulting in an alcohol concentration of 0.08 or more,
22 or any amount of a drug, substance, or intoxicating compound
23 resulting from the unlawful use or consumption of cannabis, as
24 covered by the Cannabis Control Act, a controlled substance
25 listed in the Illinois Controlled Substances Act, an
26 intoxicating compound listed in the Use of Intoxicating

1 Compounds Act, or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act as
3 detected in such person's blood or urine, may result in the
4 suspension of such person's privilege to operate a motor
5 vehicle and may result in the disqualification of the person's
6 privilege to operate a commercial motor vehicle, as provided in
7 Section 6-514 of this Code, if the person is a CDL holder. The
8 length of the suspension shall be the same as outlined in
9 Section 6-208.1 of this Code regarding statutory summary
10 suspensions.

11 (d) If the person refuses testing or submits to a test
12 which discloses an alcohol concentration of 0.08 or more, or
13 any amount of a drug, substance, or intoxicating compound in
14 such person's blood or urine resulting from the unlawful use or
15 consumption of cannabis listed in the Cannabis Control Act, a
16 controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use of
18 Intoxicating Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, the law
20 enforcement officer shall immediately submit a sworn report to
21 the Secretary of State on a form prescribed by the Secretary,
22 certifying that the test or tests were requested pursuant to
23 subsection (a) and the person refused to submit to a test or
24 tests or submitted to testing which disclosed an alcohol
25 concentration of 0.08 or more, or any amount of a drug,
26 substance, or intoxicating compound in such person's blood or

1 urine, resulting from the unlawful use or consumption of
2 cannabis listed in the Cannabis Control Act, a controlled
3 substance listed in the Illinois Controlled Substances Act, an
4 intoxicating compound listed in the Use of Intoxicating
5 Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act.

7 Upon receipt of the sworn report of a law enforcement
8 officer, the Secretary shall enter the suspension and
9 disqualification to the individual's driving record and the
10 suspension and disqualification shall be effective on the 46th
11 day following the date notice of the suspension was given to
12 the person.

13 The law enforcement officer submitting the sworn report
14 shall serve immediate notice of this suspension on the person
15 and such suspension and disqualification shall be effective on
16 the 46th day following the date notice was given.

17 In cases where the blood alcohol concentration of 0.08 or
18 more, or any amount of a drug, substance, or intoxicating
19 compound resulting from the unlawful use or consumption of
20 cannabis as listed in the Cannabis Control Act, a controlled
21 substance listed in the Illinois Controlled Substances Act, an
22 intoxicating compound listed in the Use of Intoxicating
23 Compounds Act, or methamphetamine as listed in the
24 Methamphetamine Control and Community Protection Act, is
25 established by a subsequent analysis of blood or urine
26 collected at the time of arrest, the arresting officer shall

1 give notice as provided in this Section or by deposit in the
2 United States mail of such notice in an envelope with postage
3 prepaid and addressed to such person at his address as shown on
4 the Uniform Traffic Ticket and the suspension and
5 disqualification shall be effective on the 46th day following
6 the date notice was given.

7 Upon receipt of the sworn report of a law enforcement
8 officer, the Secretary shall also give notice of the suspension
9 and disqualification to the driver by mailing a notice of the
10 effective date of the suspension and disqualification to the
11 individual. However, should the sworn report be defective by
12 not containing sufficient information or be completed in error,
13 the notice of the suspension and disqualification shall not be
14 mailed to the person or entered to the driving record, but
15 rather the sworn report shall be returned to the issuing law
16 enforcement agency.

17 (e) A driver may contest this suspension of his or her
18 driving privileges and disqualification of his or her CDL
19 privileges by requesting an administrative hearing with the
20 Secretary in accordance with Section 2-118 of this Code. At the
21 conclusion of a hearing held under Section 2-118 of this Code,
22 the Secretary may rescind, continue, or modify the orders of
23 suspension and disqualification. If the Secretary does not
24 rescind the orders of suspension and disqualification, a
25 restricted driving permit may be granted by the Secretary upon
26 application being made and good cause shown. A restricted

1 driving permit may be granted to relieve undue hardship to
2 allow driving for employment, educational, and medical
3 purposes as outlined in Section 6-206 of this Code. The
4 provisions of Section 6-206 of this Code shall apply. In
5 accordance with 49 C.F.R. 384, the Secretary of State may not
6 issue a restricted driving permit for the operation of a
7 commercial motor vehicle to a person holding a CDL whose
8 driving privileges have been suspended, revoked, cancelled, or
9 disqualified.

10 (f) (Blank).

11 (g) For the purposes of this Section, a personal injury
12 shall include any type A injury as indicated on the traffic
13 accident report completed by a law enforcement officer that
14 requires immediate professional attention in either a doctor's
15 office or a medical facility. A type A injury shall include
16 severely bleeding wounds, distorted extremities, and injuries
17 that require the injured party to be carried from the scene.

18 (Source: P.A. 95-382, eff. 8-23-07.)

19 (625 ILCS 5/11-501.8)

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

22 (a) A person who is less than 21 years of age and who
23 drives or is in actual physical control of a motor vehicle upon
24 the public highways of this State shall be deemed to have given
25 consent to a chemical test or tests of blood, breath, or urine

1 for the purpose of determining the alcohol content of the
2 person's blood if arrested, as evidenced by the issuance of a
3 Uniform Traffic Ticket for any violation of the Illinois
4 Vehicle Code or a similar provision of a local ordinance, if a
5 police officer has probable cause to believe that the driver
6 has consumed any amount of an alcoholic beverage based upon
7 evidence of the driver's physical condition or other first hand
8 knowledge of the police officer. The test or tests shall be
9 administered at the direction of the arresting officer. The law
10 enforcement agency employing the officer shall designate which
11 of the aforesaid tests shall be administered. A urine test may
12 be administered even after a blood or breath test or both has
13 been administered.

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

19 (i) Chemical analysis of the person's blood, urine,
20 breath, or other bodily substance, to be considered valid
21 under the provisions of this Section, shall have been
22 performed according to standards promulgated by the
23 Department of State Police by an individual possessing a
24 valid permit issued by that Department for this purpose.
25 The Director of State Police is authorized to approve
26 satisfactory techniques or methods, to ascertain the

1 qualifications and competence of individuals to conduct
2 analyses, to issue permits that shall be subject to
3 termination or revocation at the direction of that
4 Department, and to certify the accuracy of breath testing
5 equipment. The Department of State Police shall prescribe
6 regulations as necessary.

7 (ii) When a person submits to a blood test at the
8 request of a law enforcement officer under the provisions
9 of this Section, only a physician authorized to practice
10 medicine, a registered nurse, or other qualified person
11 trained in venipuncture and acting under the direction of a
12 licensed physician may withdraw blood for the purpose of
13 determining the alcohol content therein. This limitation
14 does not apply to the taking of breath or urine specimens.

15 (iii) The person tested may have a physician, qualified
16 technician, chemist, registered nurse, or other qualified
17 person of his or her own choosing administer a chemical
18 test or tests in addition to any test or tests administered
19 at the direction of a law enforcement officer. The failure
20 or inability to obtain an additional test by a person shall
21 not preclude the consideration of the previously performed
22 chemical test.

23 (iv) Upon a request of the person who submits to a
24 chemical test or tests at the request of a law enforcement
25 officer, full information concerning the test or tests
26 shall be made available to the person or that person's

1 attorney.

2 (v) Alcohol concentration means either grams of
3 alcohol per 100 milliliters of blood or grams of alcohol
4 per 210 liters of breath.

5 (vi) If a driver is receiving medical treatment as a
6 result of a motor vehicle accident, a physician licensed to
7 practice medicine, registered nurse, or other qualified
8 person trained in venipuncture and acting under the
9 direction of a licensed physician shall withdraw blood for
10 testing purposes to ascertain the presence of alcohol upon
11 the specific request of a law enforcement officer. However,
12 that testing shall not be performed until, in the opinion
13 of the medical personnel on scene, the withdrawal can be
14 made without interfering with or endangering the
15 well-being of the patient.

16 (c) A person requested to submit to a test as provided
17 above shall be warned by the law enforcement officer requesting
18 the test that a refusal to submit to the test, or submission to
19 the test resulting in an alcohol concentration of more than
20 0.00, may result in the loss of that person's privilege to
21 operate a motor vehicle and may result in the disqualification
22 of the person's privilege to operate a commercial motor
23 vehicle, as provided in Section 6-514 of this Code, if the
24 person is a CDL holder. The loss of driving privileges shall be
25 imposed in accordance with Section 6-208.2 of this Code.

26 (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of more than 0.00, the law
2 enforcement officer shall immediately submit a sworn report to
3 the Secretary of State on a form prescribed by the Secretary of
4 State, certifying that the test or tests were requested under
5 subsection (a) and the person refused to submit to a test or
6 tests or submitted to testing which disclosed an alcohol
7 concentration of more than 0.00. The law enforcement officer
8 shall submit the same sworn report when a person under the age
9 of 21 submits to testing under Section 11-501.1 of this Code
10 and the testing discloses an alcohol concentration of more than
11 0.00 and less than 0.08.

12 Upon receipt of the sworn report of a law enforcement
13 officer, the Secretary of State shall enter the suspension and
14 disqualification on the individual's driving record and the
15 suspension and disqualification shall be effective on the 46th
16 day following the date notice of the suspension was given to
17 the person. If this suspension is the individual's first
18 driver's license suspension under this Section, reports
19 received by the Secretary of State under this Section shall,
20 except during the time the suspension is in effect, be
21 privileged information and for use only by the courts, police
22 officers, prosecuting authorities, the Secretary of State, or
23 the individual personally. However, beginning January 1, 2008,
24 if the person is a CDL holder, the report of suspension shall
25 also be made available to the driver licensing administrator of
26 any other state, the U.S. Department of Transportation, and the

1 affected driver or motor carrier or prospective motor carrier
2 upon request. Reports received by the Secretary of State under
3 this Section shall also be made available to the parent or
4 guardian of a person under the age of 18 years that holds an
5 instruction permit or a graduated driver's license, regardless
6 of whether the suspension is in effect.

7 The law enforcement officer submitting the sworn report
8 shall serve immediate notice of this suspension on the person
9 and the suspension and disqualification shall be effective on
10 the 46th day following the date notice was given.

11 In cases where the blood alcohol concentration of more than
12 0.00 is established by a subsequent analysis of blood or urine,
13 the police officer or arresting agency shall give notice as
14 provided in this Section or by deposit in the United States
15 mail of that notice in an envelope with postage prepaid and
16 addressed to that person at his last known address and the loss
17 of driving privileges shall be effective on the 46th day
18 following the date notice was given.

19 Upon receipt of the sworn report of a law enforcement
20 officer, the Secretary of State shall also give notice of the
21 suspension and disqualification to the driver by mailing a
22 notice of the effective date of the suspension and
23 disqualification to the individual. However, should the sworn
24 report be defective by not containing sufficient information or
25 be completed in error, the notice of the suspension and
26 disqualification shall not be mailed to the person or entered

1 to the driving record, but rather the sworn report shall be
2 returned to the issuing law enforcement agency.

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

17 (1) whether the police officer had probable cause to
18 believe that the person was driving or in actual physical
19 control of a motor vehicle upon the public highways of the
20 State and the police officer had reason to believe that the
21 person was in violation of any provision of the Illinois
22 Vehicle Code or a similar provision of a local ordinance;
23 and

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

1 (3) whether the police officer had probable cause to
2 believe that the driver had consumed any amount of an
3 alcoholic beverage based upon the driver's physical
4 actions or other first-hand knowledge of the police
5 officer; and

6 (4) whether the person, after being advised by the
7 officer that the privilege to operate a motor vehicle would
8 be suspended if the person refused to submit to and
9 complete the test or tests, did refuse to submit to or
10 complete the test or tests to determine the person's
11 alcohol concentration; and

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

19 (6) whether the test result of an alcohol concentration
20 of more than 0.00 was based upon the person's consumption
21 of alcohol in the performance of a religious service or
22 ceremony; and

23 (7) whether the test result of an alcohol concentration
24 of more than 0.00 was based upon the person's consumption
25 of alcohol through ingestion of the prescribed or
26 recommended dosage of medicine.

1 At the conclusion of the hearing held under Section 2-118
2 of this Code, the Secretary of State may rescind, continue, or
3 modify the suspension and disqualification. If the Secretary of
4 State does not rescind the suspension and disqualification, a
5 restricted driving permit may be granted by the Secretary of
6 State upon application being made and good cause shown. A
7 restricted driving permit may be granted to relieve undue
8 hardship by allowing driving for employment, educational, and
9 medical purposes as outlined in item (3) of part (c) of Section
10 6-206 of this Code. The provisions of item (3) of part (c) of
11 Section 6-206 of this Code and of subsection (f) of that
12 Section shall apply. The Secretary of State shall promulgate
13 rules providing for participation in an alcohol education and
14 awareness program or activity, a drug education and awareness
15 program or activity, or both as a condition to the issuance of
16 a restricted driving permit for suspensions imposed under this
17 Section.

18 (f) The results of any chemical testing performed in
19 accordance with subsection (a) of this Section are not
20 admissible in any civil or criminal proceeding, except that the
21 results of the testing may be considered at a hearing held
22 under Section 2-118 of this Code. However, the results of the
23 testing may not be used to impose driver's license sanctions
24 under Section 11-501.1 of this Code. A law enforcement officer
25 may, however, pursue a statutory summary suspension or
26 revocation of driving privileges under Section 11-501.1 of this

1 Code if other physical evidence or first hand knowledge forms
2 the basis of that suspension or revocation.

3 (g) This Section applies only to drivers who are under age
4 21 at the time of the issuance of a Uniform Traffic Ticket for
5 a violation of the Illinois Vehicle Code or a similar provision
6 of a local ordinance, and a chemical test request is made under
7 this Section.

8 (h) The action of the Secretary of State in suspending,
9 revoking, cancelling, or disqualifying any license or permit
10 shall be subject to judicial review in the Circuit Court of
11 Sangamon County or in the Circuit Court of Cook County, and the
12 provisions of the Administrative Review Law and its rules are
13 hereby adopted and shall apply to and govern every action for
14 the judicial review of final acts or decisions of the Secretary
15 of State under this Section.

16 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;
17 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-876, eff.
18 8-21-08.)

19 Section 10. The Code of Criminal Procedure of 1963 is
20 amended by changing Section 115-15 as follows:

21 (725 ILCS 5/115-15)

22 Sec. 115-15. Laboratory reports.

23 (a) In any criminal prosecution for a violation of the
24 Cannabis Control Act, the Illinois Controlled Substances Act,

1 or the Methamphetamine Control and Community Protection Act, a
2 laboratory report from the Department of State Police, Division
3 of Forensic Services, that is signed and sworn to by the person
4 performing an analysis and that states (1) that the substance
5 that is the basis of the alleged violation has been weighed and
6 analyzed, and (2) the person's findings as to the contents,
7 weight and identity of the substance, and (3) that it contains
8 any amount of a controlled substance or cannabis is prima facie
9 evidence of the contents, identity and weight of the substance.
10 Attached to the report shall be a copy of a notarized statement
11 by the signer of the report giving the name of the signer and
12 stating (i) that he or she is an employee of the Department of
13 State Police, Division of Forensic Services, (ii) the name and
14 location of the laboratory where the analysis was performed,
15 (iii) that performing the analysis is a part of his or her
16 regular duties, and (iv) that the signer is qualified by
17 education, training and experience to perform the analysis. The
18 signer shall also allege that scientifically accepted tests
19 were performed with due caution and that the evidence was
20 handled in accordance with established and accepted procedures
21 while in the custody of the laboratory.

22 (a-5) In any criminal prosecution for reckless homicide
23 under Section 9-3 of the Criminal Code of 1961 or driving under
24 the influence of alcohol, other drug, or combination of both,
25 in violation of Section 11-501 of the Illinois Vehicle Code or
26 in any civil action held under a statutory summary suspension

1 or revocation hearing under Section 2-118.1 of the Illinois
2 Vehicle Code, a laboratory report from the Department of State
3 Police, Division of Forensic Services, that is signed and sworn
4 to by the person performing an analysis, and that states that
5 the sample of blood or urine was tested for alcohol or drugs,
6 and contains the person's findings as to the presence and
7 amount of alcohol or drugs and type of drug is prima facie
8 evidence of the presence, content, and amount of the alcohol or
9 drugs analyzed in the blood or urine. Attached to the report
10 must be a copy of a notarized statement by the signer of the
11 report giving the name of the signer and stating (1) that he or
12 she is an employee of the Department of State Police, Division
13 of Forensic Services, (2) the name and location of the
14 laboratory where the analysis was performed, (3) that
15 performing the analysis is a part of his or her regular duties,
16 (4) that the signer is qualified by education, training, and
17 experience to perform the analysis, and (5) that scientifically
18 accepted tests were performed with due caution and that the
19 evidence was handled in accordance with established and
20 accepted procedures while in the custody of the laboratory.

21 (b) The State's Attorney shall serve a copy of the report
22 on the attorney of record for the accused, or on the accused if
23 he or she has no attorney, before any proceeding in which the
24 report is to be used against the accused other than at a
25 preliminary hearing or grand jury hearing when the report may
26 be used without having been previously served upon the accused.

1 (c) The report shall not be prima facie evidence if the
2 accused or his or her attorney demands the testimony of the
3 person signing the report by serving the demand upon the
4 State's Attorney within 7 days from the accused or his or her
5 attorney's receipt of the report.

6 (Source: P.A. 94-556, eff. 9-11-05.)

7 Section 99. Effective date. This Act takes effect July 1,
8 2011.