



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB1295

Introduced 02/09/11, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-201	
625 ILCS 5/6-500	from Ch. 95 1/2, par. 6-500
625 ILCS 5/6-507	from Ch. 95 1/2, par. 6-507
625 ILCS 5/6-508	from Ch. 95 1/2, par. 6-508
625 ILCS 5/6-508.1 new	
625 ILCS 5/6-513	from Ch. 95 1/2, par. 6-513
625 ILCS 5/6-519	from Ch. 95 1/2, par. 6-519

Amends the Illinois Vehicle Code. Requires interstate Commercial Driver's License (CDL) holders subject to the physical qualification requirements of the Federal Motor Carrier Safety Regulations to provide a current original or copy of their medical examiner's certificate or medical variance to the Secretary of State prior to the issuance of a new, renewed, upgraded or transferred CDL. Provides that the Secretary is authorized to cancel the CDL of any person who fails to submit or submits a fraudulent medical examiner's certificate. Defines terms. Provides that a commercial motor vehicle may not be operated unless the driver has in his or her possession a copy of his or her medical variance, if one is required by law. Provides that no person shall be issued a commercial driver instruction permit or CDL unless the person certifies to the Secretary one of the following types of driving operations in which he or she will be engaged: (i) non-excepted interstate; (ii) non-excepted intrastate; (iii) excepted interstate; or (iv) excepted intrastate. Provides persons who hold a commercial driver instruction permit or CDL on January 30, 2012 must self-certify to the Secretary one of the above-mentioned classifications no later than January 30, 2014. Contains reporting requirements applicable to the Secretary. Provides that a driver's certification status shall become non-certified within 10 calendar days of the expiration of a medical examiner's certificate or medical variance or both and that failure to provide an updated medical examiner's certificate or medical variance or both within 60 calendar days of a driver's medical certification status becoming non-certified shall result in cancellation of the CDL. Effective January 1, 2012.

LRB097 08086 HEP 48209 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-201, 6-500, 6-507, 6-508, 6-513, and 6-519 and by  
6 adding Section 6-508.1 as follows:

7 (625 ILCS 5/6-201)

8 Sec. 6-201. Authority to cancel licenses and permits.

9 (a) The Secretary of State is authorized to cancel any  
10 license or permit upon determining that the holder thereof:

11 1. was not entitled to the issuance thereof hereunder;

12 or

13 2. failed to give the required or correct information  
14 in his application; or

15 3. failed to pay any fees, civil penalties owed to the  
16 Illinois Commerce Commission, or taxes due under this Act  
17 and upon reasonable notice and demand; or

18 4. committed any fraud in the making of such  
19 application; or

20 5. is ineligible therefor under the provisions of  
21 Section 6-103 of this Act, as amended; or

22 6. has refused or neglected to submit an alcohol, drug,  
23 and intoxicating compound evaluation or to submit to

1 examination or re-examination as required under this Act;

2 or

3 7. has been convicted of violating the Cannabis Control  
4 Act, the Illinois Controlled Substances Act, the  
5 Methamphetamine Control and Community Protection Act, or  
6 the Use of Intoxicating Compounds Act while that individual  
7 was in actual physical control of a motor vehicle. For  
8 purposes of this Section, any person placed on probation  
9 under Section 10 of the Cannabis Control Act, Section 410  
10 of the Illinois Controlled Substances Act, or Section 70 of  
11 the Methamphetamine Control and Community Protection Act  
12 shall not be considered convicted. Any person found guilty  
13 of this offense, while in actual physical control of a  
14 motor vehicle, shall have an entry made in the court record  
15 by the judge that this offense did occur while the person  
16 was in actual physical control of a motor vehicle and order  
17 the clerk of the court to report the violation to the  
18 Secretary of State as such. After the cancellation, the  
19 Secretary of State shall not issue a new license or permit  
20 for a period of one year after the date of cancellation.  
21 However, upon application, the Secretary of State may, if  
22 satisfied that the person applying will not endanger the  
23 public safety, or welfare, issue a restricted driving  
24 permit granting the privilege of driving a motor vehicle  
25 between the petitioner's residence and petitioner's place  
26 of employment or within the scope of the petitioner's

1 employment related duties, or to allow transportation for  
2 the petitioner or a household member of the petitioner's  
3 family for the receipt of necessary medical care, or  
4 provide transportation for the petitioner to and from  
5 alcohol or drug remedial or rehabilitative activity  
6 recommended by a licensed service provider, or for the  
7 petitioner to attend classes, as a student, in an  
8 accredited educational institution. The petitioner must  
9 demonstrate that no alternative means of transportation is  
10 reasonably available; provided that the Secretary's  
11 discretion shall be limited to cases where undue hardship,  
12 as defined by the rules of the Secretary of State, would  
13 result from a failure to issue such restricted driving  
14 permit. In each case the Secretary of State may issue such  
15 restricted driving permit for such period as he deems  
16 appropriate, except that such permit shall expire within  
17 one year from the date of issuance. A restricted driving  
18 permit issued hereunder shall be subject to cancellation,  
19 revocation and suspension by the Secretary of State in like  
20 manner and for like cause as a driver's license issued  
21 hereunder may be cancelled, revoked or suspended; except  
22 that a conviction upon one or more offenses against laws or  
23 ordinances regulating the movement of traffic shall be  
24 deemed sufficient cause for the revocation, suspension or  
25 cancellation of a restricted driving permit. The Secretary  
26 of State may, as a condition to the issuance of a

1 restricted driving permit, require the applicant to  
2 participate in a driver remedial or rehabilitative  
3 program. In accordance with 49 C.F.R. 384, the Secretary of  
4 State may not issue a restricted driving permit for the  
5 operation of a commercial motor vehicle to a person holding  
6 a CDL whose driving privileges have been revoked,  
7 suspended, cancelled, or disqualified under this Code; or

8 8. failed to submit a report as required by Section  
9 6-116.5 of this Code; or

10 9. has been convicted of a sex offense as defined in  
11 the Sex Offender Registration Act. The driver's license  
12 shall remain cancelled until the driver registers as a sex  
13 offender as required by the Sex Offender Registration Act,  
14 proof of the registration is furnished to the Secretary of  
15 State and the sex offender provides proof of current  
16 address to the Secretary; or

17 10. is ineligible for a license or permit under Section  
18 6-107, 6-107.1, or 6-108 of this Code; or

19 11. refused or neglected to appear at a Driver Services  
20 facility to have the license or permit corrected and a new  
21 license or permit issued; or -

22 12. failed to submit a medical examiner's certificate  
23 or medical variance as required by 49 C.F.R. 383.71 or  
24 submitted a fraudulent medical examiner's certificate or  
25 medical variance.

26 (b) Upon such cancellation the licensee or permittee must

1 surrender the license or permit so cancelled to the Secretary  
2 of State.

3 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
4 Secretary of State shall have exclusive authority to grant,  
5 issue, deny, cancel, suspend and revoke driving privileges,  
6 drivers' licenses and restricted driving permits.

7 (d) The Secretary of State may adopt rules to implement  
8 this Section.

9 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;  
10 94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.  
11 8-23-07; 95-627, eff. 6-1-08; 95-876, eff. 8-21-08.)

12 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

13 Sec. 6-500. Definitions of words and phrases.  
14 Notwithstanding the definitions set forth elsewhere in this  
15 Code, for purposes of the Uniform Commercial Driver's License  
16 Act (UCDLA), the words and phrases listed below have the  
17 meanings ascribed to them as follows:

18 (1) Alcohol. "Alcohol" means any substance containing any  
19 form of alcohol, including but not limited to ethanol,  
20 methanol, propanol, and isopropanol.

21 (2) Alcohol concentration. "Alcohol concentration" means:

22 (A) the number of grams of alcohol per 210 liters of  
23 breath; or

24 (B) the number of grams of alcohol per 100 milliliters  
25 of blood; or

1 (C) the number of grams of alcohol per 67 milliliters  
2 of urine.

3 Alcohol tests administered within 2 hours of the driver  
4 being "stopped or detained" shall be considered that driver's  
5 "alcohol concentration" for the purposes of enforcing this  
6 UCCLA.

7 (3) (Blank).

8 (4) (Blank).

9 (5) (Blank).

10 (5.3) CDLIS driver record. "CDLIS driver record" means the  
11 electronic record of the individual CDL driver's status and  
12 history stored by the State-of-Record as part of the Commercial  
13 Driver's License Information System, or CDLIS, established  
14 under 49 U.S.C. 31309.

15 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle  
16 record" or "CDLIS MVR" means a report generated from the CDLIS  
17 driver record meeting the requirements for access to CDLIS  
18 information and provided by states to users authorized in 49  
19 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the  
20 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

21 (5.7) Commercial driver's license downgrade. "Commercial  
22 driver's license downgrade" or "CDL downgrade" means either:

23 (A) a state allows the driver to change his or her  
24 self-certification to interstate, but operating  
25 exclusively in transportation or operation excepted from  
26 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),

1       391.2, 391.68, or 398.3;

2       (B) a state allows the driver to change his or her  
3       self-certification to intrastate only, if the driver  
4       qualifies under that state's physical qualification  
5       requirements for intrastate only;

6       (C) a state allows the driver to change his or her  
7       certification to intrastate, but operating exclusively in  
8       transportation or operations excepted from all or part of  
9       the state driver qualification requirements; or

10       (D) a state removes the CDL privilege from the driver  
11       license.

12       (6) Commercial Motor Vehicle.

13       (A) "Commercial motor vehicle" or "CMV" means a motor  
14       vehicle used in commerce, except those referred to in  
15       subdivision (B), designed to transport passengers or  
16       property if:

17               (i) the vehicle has a GVWR of 26,001 pounds or more  
18               or such a lesser GVWR as subsequently determined by  
19               federal regulations or the Secretary of State; or any  
20               combination of vehicles with a GCWR of 26,001 pounds or  
21               more, provided the GVWR of any vehicle or vehicles  
22               being towed is 10,001 pounds or more; or

23               (ii) the vehicle is designed to transport 16 or  
24               more persons; or

25               (iii) the vehicle is transporting hazardous  
26               materials and is required to be placarded in accordance



1 with 49 C.F.R. Part 172, subpart F.

2 (B) Pursuant to the interpretation of the Commercial  
3 Motor Vehicle Safety Act of 1986 by the Federal Highway  
4 Administration, the definition of "commercial motor  
5 vehicle" does not include:

6 (i) recreational vehicles, when operated primarily  
7 for personal use;

8 (ii) vehicles owned by or operated under the  
9 direction of the United States Department of Defense or  
10 the United States Coast Guard only when operated by  
11 non-civilian personnel. This includes any operator on  
12 active military duty; members of the Reserves;  
13 National Guard; personnel on part-time training; and  
14 National Guard military technicians (civilians who are  
15 required to wear military uniforms and are subject to  
16 the Code of Military Justice); or

17 (iii) firefighting and other emergency equipment  
18 (including, without limitation, equipment owned or  
19 operated by a HazMat or technical rescue team  
20 authorized by a county board under Section 5-1127 of  
21 the Counties Code), with audible and visual signals,  
22 owned or operated by or for a governmental entity,  
23 which is necessary to the preservation of life or  
24 property or the execution of emergency governmental  
25 functions which are normally not subject to general  
26 traffic rules and regulations.

1           (7) Controlled Substance. "Controlled substance" shall  
2 have the same meaning as defined in Section 102 of the Illinois  
3 Controlled Substances Act, and shall also include cannabis as  
4 defined in Section 3 of the Cannabis Control Act and  
5 methamphetamine as defined in Section 10 of the Methamphetamine  
6 Control and Community Protection Act.

7           (8) Conviction. "Conviction" means an unvacated  
8 adjudication of guilt or a determination that a person has  
9 violated or failed to comply with the law in a court of  
10 original jurisdiction or by an authorized administrative  
11 tribunal; an unvacated forfeiture of bail or collateral  
12 deposited to secure the person's appearance in court; a plea of  
13 guilty or nolo contendere accepted by the court; the payment of  
14 a fine or court cost regardless of whether the imposition of  
15 sentence is deferred and ultimately a judgment dismissing the  
16 underlying charge is entered; or a violation of a condition of  
17 release without bail, regardless of whether or not the penalty  
18 is rebated, suspended or probated.

19           (8.5) Day. "Day" means calendar day.

20           (9) (Blank).

21           (10) (Blank).

22           (11) (Blank).

23           (12) (Blank).

24           (13) Driver. "Driver" means any person who drives,  
25 operates, or is in physical control of a commercial motor  
26 vehicle, any person who is required to hold a CDL, or any

1 person who is a holder of a CDL while operating a  
2 non-commercial motor vehicle.

3 (13.5) Driver applicant. "Driver applicant" means an  
4 individual who applies to a state to obtain, transfer, upgrade,  
5 or renew a CDL.

6 (14) Employee. "Employee" means a person who is employed as  
7 a commercial motor vehicle driver. A person who is  
8 self-employed as a commercial motor vehicle driver must comply  
9 with the requirements of this UCDLA pertaining to employees. An  
10 owner-operator on a long-term lease shall be considered an  
11 employee.

12 (15) Employer. "Employer" means a person (including the  
13 United States, a State or a local authority) who owns or leases  
14 a commercial motor vehicle or assigns employees to operate such  
15 a vehicle. A person who is self-employed as a commercial motor  
16 vehicle driver must comply with the requirements of this UCDLA.

17 (15.3) Excepted interstate. "Excepted interstate" means a  
18 person who operates or expects to operate in interstate  
19 commerce, but engages exclusively in transportation or  
20 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or  
21 398.3 from all or part of the qualification requirements of 49  
22 C.F.R. Part 391 and is not required to obtain a medical  
23 examiner's certificate by 49 C.F.R. 391.45.

24 (15.5) Excepted intrastate. "Excepted intrastate" means a  
25 person who operates in intrastate commerce but engages  
26 exclusively in transportation or operations excepted from all

1 or parts of the state driver qualification requirements.

2 (16) (Blank).

3 (16.5) Fatality. "Fatality" means the death of a person as  
4 a result of a motor vehicle accident.

5 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
6 sovereign jurisdiction that does not fall within the definition  
7 of "State".

8 (18) (Blank).

9 (19) (Blank).

10 (20) Hazardous materials. "Hazardous Material" means any  
11 material that has been designated under 49 U.S.C. 5103 and is  
12 required to be placarded under subpart F of 49 C.F.R. part 172  
13 or any quantity of a material listed as a select agent or toxin  
14 in 42 C.F.R. part 73.

15 (20.5) Imminent Hazard. "Imminent hazard" means the  
16 existence of a condition that presents a substantial likelihood  
17 that death, serious illness, severe personal injury, or a  
18 substantial endangerment to health, property, or the  
19 environment may occur before the reasonably foreseeable  
20 completion date of a formal proceeding begun to lessen the risk  
21 of that death, illness, injury or endangerment.

22 (21) Long-term lease. "Long-term lease" means a lease of a  
23 commercial motor vehicle by the owner-lessor to a lessee, for a  
24 period of more than 29 days.

25 (21.1) Medical examiner. "Medical examiner" means a person  
26 who is licensed, certified, or registered in accordance with

1 applicable state laws and regulations to perform physical  
2 examinations. The term includes but is not limited to doctors  
3 of medicine, doctors of osteopathy, physician assistants,  
4 advanced practice nurses, and doctors of chiropractic.

5 (21.2) Medical examiner's certificate. "Medical examiner's  
6 certificate" means a document prescribed or approved by the  
7 Secretary of State that is issued by a medical examiner to a  
8 driver to medically qualify him or her to drive.

9 (21.5) Medical variance. "Medical variance" means a driver  
10 has received one of the following from the Federal Motor  
11 Carrier Safety Administration which allows the driver to be  
12 issued a medical certificate: (1) an exemption letter  
13 permitting operation of a commercial motor vehicle pursuant to  
14 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a  
15 skill performance evaluation (SPE) certificate permitting  
16 operation of a commercial motor vehicle pursuant to 49 C.F.R.  
17 391.49.

18 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
19 which is self-propelled, and every vehicle which is propelled  
20 by electric power obtained from over head trolley wires but not  
21 operated upon rails, except vehicles moved solely by human  
22 power and motorized wheel chairs.

23 (22.2) Motor vehicle record. "Motor vehicle record" means a  
24 report of the driving status and history of a driver generated  
25 from the driver record provided to users, such as drivers or  
26 employers, and is subject to the provisions of the Driver

1 Privacy Protection Act, 18 U.S.C. 2721-2725.

2 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
3 combination of motor vehicles not defined by the term  
4 "commercial motor vehicle" or "CMV" in this Section.

5 (22.7) Non-excepted interstate. "Non-excepted interstate"  
6 means a person who operates or expects to operate in interstate  
7 commerce, is subject to and meets the qualification  
8 requirements under 49 C.F.R. Part 391, and is required to  
9 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

10 (22.8) Non-excepted intrastate. "Non-excepted intrastate"  
11 means a person who operates only in intrastate commerce and is  
12 subject to State driver qualification requirements.

13 (23) Non-resident CDL. "Non-resident CDL" means a  
14 commercial driver's license issued by a state under either of  
15 the following two conditions:

16 (i) to an individual domiciled in a foreign country  
17 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.  
18 of the Federal Motor Carrier Safety Administration.

19 (ii) to an individual domiciled in another state  
20 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.  
21 of the Federal Motor Carrier Safety Administration.

22 (24) (Blank).

23 (25) (Blank).

24 (25.5) Railroad-Highway Grade Crossing Violation.  
25 "Railroad-highway grade crossing violation" means a violation,  
26 while operating a commercial motor vehicle, of any of the

1 following:

2 (A) Section 11-1201, 11-1202, or 11-1425 of this  
3 Code.

4 (B) Any other similar law or local ordinance of any  
5 state relating to railroad-highway grade crossing.

6 (25.7) School Bus. "School bus" means a commercial motor  
7 vehicle used to transport pre-primary, primary, or secondary  
8 school students from home to school, from school to home, or to  
9 and from school-sponsored events. "School bus" does not include  
10 a bus used as a common carrier.

11 (26) Serious Traffic Violation. "Serious traffic  
12 violation" means:

13 (A) a conviction when operating a commercial motor  
14 vehicle, or when operating a non-CMV while holding a CDL,  
15 of:

16 (i) a violation relating to excessive speeding,  
17 involving a single speeding charge of 15 miles per hour  
18 or more above the legal speed limit; or

19 (ii) a violation relating to reckless driving; or

20 (iii) a violation of any State law or local  
21 ordinance relating to motor vehicle traffic control  
22 (other than parking violations) arising in connection  
23 with a fatal traffic accident; or

24 (iv) a violation of Section 6-501, relating to  
25 having multiple driver's licenses; or

26 (v) a violation of paragraph (a) of Section 6-507,

1 relating to the requirement to have a valid CDL; or  
2 (vi) a violation relating to improper or erratic  
3 traffic lane changes; or  
4 (vii) a violation relating to following another  
5 vehicle too closely; or  
6 (B) any other similar violation of a law or local  
7 ordinance of any state relating to motor vehicle traffic  
8 control, other than a parking violation, which the  
9 Secretary of State determines by administrative rule to be  
10 serious.

11 (27) State. "State" means a state of the United States, the  
12 District of Columbia and any province or territory of Canada.

13 (28) (Blank).

14 (29) (Blank).

15 (30) (Blank).

16 (31) (Blank).

17 (Source: P.A. 94-307, eff. 9-30-05; 94-334, eff. 1-1-06;  
18 95-331, eff. 8-21-07; 95-382, eff. 8-23-07.)

19 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

20 Sec. 6-507. Commercial Driver's License (CDL) Required.

21 (a) Except as expressly permitted by this UCDLA, or when  
22 driving pursuant to the issuance of a commercial driver  
23 instruction permit and accompanied by the holder of a CDL valid  
24 for the vehicle being driven; no person shall drive a  
25 commercial motor vehicle on the highways without:



- 1 (1) a CDL in the driver's possession;
- 2 (2) having obtained a CDL; ~~or~~
- 3 (3) the proper class of CDL or endorsements or both for  
4 the specific vehicle group being operated or for the  
5 passengers or type of cargo being transported; or ~~or~~
- 6 (4) a copy of a medical variance document, if one  
7 exists, such as an exemption letter or a skill performance  
8 evaluation certificate.

9 (b) Except as otherwise provided by this Code, no person  
10 may drive a commercial motor vehicle on the highways while such  
11 person's driving privilege, license, or permit is:

12 (1) Suspended, revoked, cancelled, or subject to  
13 disqualification. Any person convicted of violating this  
14 provision or a similar provision of this or any other state  
15 shall have their driving privileges revoked under  
16 paragraph 12 of subsection (a) of Section 6-205 of this  
17 Code.

18 (2) Subject to or in violation of an "out-of-service"  
19 order. Any person who has been issued a CDL and is  
20 convicted of violating this provision or a similar  
21 provision of any other state shall be disqualified from  
22 operating a commercial motor vehicle under subsection (i)  
23 of Section 6-514 of this Code.

24 (3) Subject to or in violation of a driver or vehicle  
25 "out of service" order while operating a vehicle designed  
26 to transport 16 or more passengers, including the driver,

1 or transporting hazardous materials required to be  
2 placarded. Any person who has been issued a CDL and is  
3 convicted of violating this provision or a similar  
4 provision of this or any other state shall be disqualified  
5 from operating a commercial motor vehicle under subsection  
6 (i) of Section 6-514 of this Code.

7 (b-3) Except as otherwise provided by this Code, no person  
8 may drive a commercial motor vehicle on the highways during a  
9 period which the commercial motor vehicle or the motor carrier  
10 operation is subject to an "out-of-service" order. Any person  
11 who is convicted of violating this provision or a similar  
12 provision of any other state shall be disqualified from  
13 operating a commercial motor vehicle under subsection (i) of  
14 Section 6-514 of this Code.

15 (b-5) Except as otherwise provided by this Code, no person  
16 may transport passengers or hazardous materials during a period  
17 in which the commercial motor vehicle or the motor carrier  
18 operation is subject to an "out-of-service" order. Any person  
19 who is convicted of violating this provision or a similar  
20 provision of any other state shall be disqualified from  
21 operating a commercial motor vehicle under subsection (i) of  
22 Section 6-514 of this Code.

23 (c) Pursuant to the options provided to the States by FHWA  
24 Docket No. MC-88-8, the driver of any motor vehicle controlled  
25 or operated by or for a farmer is waived from the requirements  
26 of this Section, when such motor vehicle is being used to

1 transport: agricultural products; implements of husbandry; or  
2 farm supplies; to and from a farm, as long as such movement is  
3 not over 150 air miles from the originating farm. This waiver  
4 does not apply to the driver of any motor vehicle being used in  
5 a common or contract carrier type operation. However, for those  
6 drivers of any truck-tractor semitrailer combination or  
7 combinations registered under subsection (c) of Section 3-815  
8 of this Code, this waiver shall apply only when the driver is a  
9 farmer or a member of the farmer's family and the driver is 21  
10 years of age or more and has successfully completed any tests  
11 the Secretary of State deems necessary.

12 In addition, the farmer or a member of the farmer's family  
13 who operates a truck-tractor semitrailer combination or  
14 combinations pursuant to this waiver shall be granted all of  
15 the rights and shall be subject to all of the duties and  
16 restrictions with respect to Sections 6-514 and 6-515 of this  
17 Code applicable to the driver who possesses a commercial  
18 driver's license issued under this Code, except that the driver  
19 shall not be subject to any additional duties or restrictions  
20 contained in Part 382 of the Federal Motor Carrier Safety  
21 Regulations that are not otherwise imposed under Section 6-514  
22 or 6-515 of this Code.

23 For purposes of this subsection (c), a member of the  
24 farmer's family is a natural or in-law spouse, child, parent,  
25 or sibling.

26 (c-5) An employee of a township or road district with a

1 population of less than 3,000 operating a vehicle within the  
2 boundaries of the township or road district for the purpose of  
3 removing snow or ice from a roadway by plowing, sanding, or  
4 salting is waived from the requirements of this Section when  
5 the employee is needed to operate the vehicle because the  
6 employee of the township or road district who ordinarily  
7 operates the vehicle and who has a commercial driver's license  
8 is unable to operate the vehicle or is in need of additional  
9 assistance due to a snow emergency.

10 (c-10) A driver of a commercial motor vehicle used  
11 primarily in the transportation of propane winter heating fuel  
12 or a driver of a motor vehicle used to respond to a pipeline  
13 emergency is waived from the requirements of this Section if  
14 such requirements would prevent the driver from responding to  
15 an emergency condition requiring immediate response as defined  
16 in 49 C.F.R. Part 390.5.

17 (d) Any person convicted of violating this Section, shall  
18 be guilty of a Class A misdemeanor.

19 (e) Any person convicted of violating paragraph (1) of  
20 subsection (b) of this Section, shall have all driving  
21 privileges revoked by the Secretary of State.

22 (f) This Section shall not apply to:

23 (1) A person who currently holds a valid Illinois  
24 driver's license, for the type of vehicle being operated,  
25 until the expiration of such license or April 1, 1992,  
26 whichever is earlier; or

1           (2) A non-Illinois domiciliary who is properly  
2 licensed in another State, until April 1, 1992. A  
3 non-Illinois domiciliary, if such domiciliary is properly  
4 licensed in another State or foreign jurisdiction, until  
5 April 1, 1992.

6 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10.)

7           (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)  
8 Sec. 6-508. Commercial Driver's License (CDL) -  
9 qualification standards.

10          (a) Testing.

11           (1) General. No person shall be issued an original or  
12 renewal CDL unless that person is domiciled in this State.  
13 The Secretary shall cause to be administered such tests as  
14 the Secretary deems necessary to meet the requirements of  
15 49 C.F.R. Part 383, subparts F, G, H, and J.

16           (2) Third party testing. The Secretary of state may  
17 authorize a "third party tester", pursuant to 49 C.F.R.  
18 Part 383.75, to administer the skills test or tests  
19 specified by Federal Motor Carrier Safety Administration  
20 pursuant to the Commercial Motor Vehicle Safety Act of 1986  
21 and any appropriate federal rule.

22          (b) Waiver of Skills Test. The Secretary of State may waive  
23 the skills test specified in this Section for a driver  
24 applicant for a commercial driver license who meets the  
25 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

1       (b-1) No person shall be issued a commercial driver  
2 instruction permit or CDL unless the person certifies to the  
3 Secretary one of the following types of driving operations in  
4 which he or she will be engaged:

5           (1) non-excepted interstate;

6           (2) non-excepted intrastate;

7           (3) excepted interstate; or

8           (4) excepted intrastate.

9       (b-2) Persons who hold a commercial driver instruction  
10 permit or CDL on January 30, 2012 must certify to the Secretary  
11 no later than January 30, 2014 one of the following applicable  
12 self-certifications:

13           (1) non-excepted interstate;

14           (2) non-excepted intrastate;

15           (3) excepted interstate; or

16           (4) excepted intrastate.

17       (c) Limitations on issuance of a CDL. A CDL, or a  
18 commercial driver instruction permit, shall not be issued to a  
19 person while the person is subject to a disqualification from  
20 driving a commercial motor vehicle, or unless otherwise  
21 permitted by this Code, while the person's driver's license is  
22 suspended, revoked or cancelled in any state, or any territory  
23 or province of Canada; nor may a CDL be issued to a person who  
24 has a CDL issued by any other state, or foreign jurisdiction,  
25 unless the person first surrenders all such licenses. No CDL  
26 shall be issued to or renewed for a person who does not meet

1 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
2 met with the aid of a hearing aid.

3 (c-1) The Secretary may issue a CDL with a school bus  
4 driver endorsement to allow a person to drive the type of bus  
5 described in subsection (d-5) of Section 6-104 of this Code.  
6 The CDL with a school bus driver endorsement may be issued only  
7 to a person meeting the following requirements:

8 (1) the person has submitted his or her fingerprints to  
9 the Department of State Police in the form and manner  
10 prescribed by the Department of State Police. These  
11 fingerprints shall be checked against the fingerprint  
12 records now and hereafter filed in the Department of State  
13 Police and Federal Bureau of Investigation criminal  
14 history records databases;

15 (2) the person has passed a written test, administered  
16 by the Secretary of State, on charter bus operation,  
17 charter bus safety, and certain special traffic laws  
18 relating to school buses determined by the Secretary of  
19 State to be relevant to charter buses, and submitted to a  
20 review of the driver applicant's driving habits by the  
21 Secretary of State at the time the written test is given;

22 (3) the person has demonstrated physical fitness to  
23 operate school buses by submitting the results of a medical  
24 examination, including tests for drug use; and

25 (4) the person has not been convicted of committing or  
26 attempting to commit any one or more of the following

1 offenses: (i) those offenses defined in Sections 8-1.2,  
2 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
3 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5,  
4 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1,  
5 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1,  
6 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21,  
7 11-22, 11-23, 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4,  
8 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,  
9 12-4.7, 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,  
10 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
11 12-16.2, 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1, 18-1,  
12 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2,  
13 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1,  
14 24-3.3, 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in  
15 subsection (b) of Section 8-1, and in subsection (a) and  
16 subsection (b), clause (1), of Section 12-4, and in  
17 subsection (A), clauses (a) and (b), of Section 24-3, and  
18 those offenses contained in Article 29D of the Criminal  
19 Code of 1961; (ii) those offenses defined in the Cannabis  
20 Control Act except those offenses defined in subsections  
21 (a) and (b) of Section 4, and subsection (a) of Section 5  
22 of the Cannabis Control Act; (iii) those offenses defined  
23 in the Illinois Controlled Substances Act; (iv) those  
24 offenses defined in the Methamphetamine Control and  
25 Community Protection Act; (v) any offense committed or  
26 attempted in any other state or against the laws of the



1 United States, which if committed or attempted in this  
2 State would be punishable as one or more of the foregoing  
3 offenses; (vi) the offenses defined in Sections 4.1 and 5.1  
4 of the Wrongs to Children Act; (vii) those offenses defined  
5 in Section 6-16 of the Liquor Control Act of 1934; and  
6 (viii) those offenses defined in the Methamphetamine  
7 Precursor Control Act.

8 The Department of State Police shall charge a fee for  
9 conducting the criminal history records check, which shall be  
10 deposited into the State Police Services Fund and may not  
11 exceed the actual cost of the records check.

12 (c-2) The Secretary shall issue a CDL with a school bus  
13 endorsement to allow a person to drive a school bus as defined  
14 in this Section. The CDL shall be issued according to the  
15 requirements outlined in 49 C.F.R. 383. A person may not  
16 operate a school bus as defined in this Section without a  
17 school bus endorsement. The Secretary of State may adopt rules  
18 consistent with Federal guidelines to implement this  
19 subsection (c-2).

20 (d) Commercial driver instruction permit. A commercial  
21 driver instruction permit may be issued to any person holding a  
22 valid Illinois driver's license if such person successfully  
23 passes such tests as the Secretary determines to be necessary.  
24 A commercial driver instruction permit shall not be issued to a  
25 person who does not meet the requirements of 49 CFR 391.41  
26 (b)(11), except for the renewal of a commercial driver

1 instruction permit for a person who possesses a commercial  
2 instruction permit prior to the effective date of this  
3 amendatory Act of 1999.

4 (Source: P.A. 95-331, eff. 8-21-07; 95-382, eff. 8-23-07;  
5 96-1182, eff. 7-22-10.)

6 (625 ILCS 5/6-508.1 new)

7 Sec. 6-508.1. Medical Examiner's Certificate.

8 (a) It shall be unlawful for any person to drive a CMV in  
9 non-excepted interstate commerce unless the person holds a CDL  
10 and is medically certified as physically qualified to do so.

11 (b) No person who has certified to non-excepted interstate  
12 driving as provided in Section 6-508 of this Code shall be  
13 issued a commercial driver instruction permit or CDL unless  
14 that person presents to the Secretary a medical examiner's  
15 certificate or has a current medical examiner's certificate on  
16 the CDLIS driver record.

17 (c) Persons who hold a commercial driver instruction permit  
18 or CDL on January 30, 2012 who have certified as non-excepted  
19 interstate as provided in Section 6-508 of this Code must  
20 provide to the Secretary a medical examiner's certificate no  
21 later than January 30, 2014.

22 (d) As of January 30, 2014, all persons who hold a  
23 commercial driver instruction permit or CDL who have certified  
24 as non-excepted interstate shall maintain a current medical  
25 examiner's certificate on file with the Secretary.

1       (e) Within 10 calendar days of receipt of a medical  
2 examiner's certificate of a driver who has certified as  
3 non-excepted interstate, the Secretary shall post the  
4 following to the CDLIS driver record:

5           (1) the medical examiner's name;

6           (2) the medical examiner's telephone number;

7           (3) the date of issuance of the medical examiner's  
8 certificate;

9           (4) the medical examiner's license number and the state  
10 that issued it;

11           (5) the medical certification status;

12           (6) the expiration date of the medical examiner's  
13 certificate;

14           (7) the existence of any medical variance on the  
15 medical examiner's certificate or grandfather provisions;

16           (8) any restrictions noted on the medical examiner's  
17 certificate; and

18           (9) the date the medical examiner's certificate  
19 information was posted to the CDLIS driver record.

20       (f) Within 10 calendar days of the expiration or rescission  
21 of the driver's medical examiner's certificate or medical  
22 variance or both, the Secretary shall update the medical  
23 certification status to "not certified".

24       (g) Within 10 calendar days of receipt of information from  
25 the Federal Motor Carrier Safety Administration regarding  
26 issuance or renewal of a medical variance, the Secretary shall

1 update the CDLIS driver record to include the medical variance  
2 information provided by the Federal Motor Carrier Safety  
3 Administration.

4 (h) The Secretary shall notify the driver of his or her  
5 non-certified status and that his or her CDL will be canceled  
6 unless the driver submits a current medical examiner's  
7 certificate or medical variance or changes his or her  
8 self-certification to driving only in excepted or intrastate  
9 commerce.

10 (i) Within 60 calendar days of a driver's medical  
11 certification status becoming non-certified, the Secretary  
12 shall cancel the CDL.

13 (625 ILCS 5/6-513) (from Ch. 95 1/2, par. 6-513)

14 Sec. 6-513. Commercial Driver's License or CDL. The content  
15 of the CDL shall include, but not necessarily be limited to the  
16 following:

17 (a) A CDL shall be distinctly marked "Commercial Driver's  
18 License" or "CDL". It must include, but not necessarily be  
19 limited to, the following information:

20 (1) the legal name and the Illinois domiciliary address  
21 (unless it is a Non-resident CDL) of the person to whom the  
22 CDL is issued;

23 (2) the person's color photograph;

24 (3) a physical description of the person including sex,  
25 height, and may include weight, color of eyes and hair

- 1 color;
- 2 (4) date of birth;
- 3 (5) a CDL or file number assigned by the Secretary of  
4 State;
- 5 (6) the person's signature;
- 6 (7) the class or type of commercial vehicle or vehicles  
7 which the person is authorized to drive together with any  
8 endorsements or restrictions;
- 9 (8) the name of the issuing state; ~~and~~
- 10 (9) the issuance and expiration dates of the CDL; and ~~-~~
- 11 (10) the restriction code "V" if the driver has been  
12 issued a medical variance.

13 (b) Applicant Record Check.

14 Prior to issuing, renewing, upgrading, or transferring ~~the~~  
15 ~~issuance of~~ a CDL, the Secretary of State shall obtain, review,  
16 and maintain upon issuance, renewal, upgrade, or transfer the  
17 driver applicant's driving record as required by 49 C.F.R. Part  
18 383 and Part 384 and the United States Secretary of  
19 Transportation.

20 (c) Notification of Commercial Driver's License (CDL)  
21 Issuance and Self-Certification.

22 Within 10 days after issuing a CDL, the Secretary of State  
23 must notify the Commercial Driver License Information System of  
24 that fact, and provide all information required to ensure  
25 identification of the person. The Secretary shall also post the  
26 driver's self-certification for the type of driving operations

1 to the CDLIS driver record.

2 (c-5) Change in driver identification information.

3 Within 10 days of any change of driver identification  
4 information on any CDL holder, the Secretary of State must  
5 notify the Commercial Driver License Information System of the  
6 change.

7 (d) Renewal.

8 Every person applying for a renewal of a CDL must complete  
9 the appropriate application form required by this Code and any  
10 other test deemed necessary by the Secretary.

11 (Source: P.A. 94-307, eff. 9-30-05; 95-382, eff. 8-23-07.)

12 (625 ILCS 5/6-519) (from Ch. 95 1/2, par. 6-519)

13 Sec. 6-519. Driving Record Information To Be Furnished.  
14 Notwithstanding any other provision of law to the contrary, the  
15 Secretary of State shall furnish the following full information  
16 regarding a commercial driver's driving record ~~to~~: all  
17 information on CDLIS driver records to the driver licensing  
18 administrator of any other State; all information on CDLIS  
19 driver records to the U.S. Department of Transportation; all  
20 information on the CDLIS driver record obtained on the CDLIS  
21 motor vehicle record to the affected driver or a motor carrier  
22 or prospective motor carrier requesting such information; all  
23 information on the CDLIS driver record obtained on the CDLIS  
24 motor vehicle record of a current or prospective driver to a  
25 motor carrier or prospective motor carrier requesting such

1 information ~~τ~~ within 10 days of the request; and any other  
2 entity or person authorized to receive such information  
3 pursuant to Section 2-123 of this Code.

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

5 Section 99. Effective date. This Act takes effect January  
6 1, 2012.