

1 AN ACT in relation to vehicles.

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  
5 changing Sections 6-500, 6-514, 18b-105, and 18b-107 as  
6 follows:

7 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

8 Sec. 6-500. Definitions of words and phrases.  
9 Notwithstanding the definitions set forth elsewhere in this  
10 Code, for purposes of the Uniform Commercial Driver's License  
11 Act (UCDLA), the words and phrases listed below shall have  
12 the meanings ascribed to them as follows:

13 Alcohol. "Alcohol" means any substance containing any  
14 form of alcohol, including but not limited to: ethanol;  
15 methanol; propanol and isopropanol.

16 Alcohol concentration. "Alcohol concentration" means:

17 (a) the number of grams of alcohol per 210 liters  
18 of breath; or

19 (b) the number of grams of alcohol per 100  
20 milliliters of blood; or

21 (c) the number of grams of alcohol per 67  
22 milliliters of urine.

23 Alcohol tests administered within 2 hours of the driver  
24 being "stopped or detained" shall be considered that driver's  
25 "alcohol concentration" for the purposes of enforcing this  
26 UCDLA.

27 Commercial Motor Vehicle. "Commercial motor vehicle"  
28 means a motor vehicle, except those referred to in paragraph  
29 (d), designed to transport passengers or property if:

30 (a) the vehicle has a GVWR of 26,001 pounds or more  
31 or such a lesser GVWR as subsequently determined by

1 federal regulations or the Secretary of State; or any  
 2 combination of vehicles with a GCWR of 26,001 pounds or  
 3 more, provided the GVWR of any vehicle or vehicles being  
 4 towed is 10,001 pounds or more; or

5 (b) the vehicle is designed to transport 16 or more  
 6 persons; or

7 (c) the vehicle is transporting hazardous materials  
 8 and is required to be placarded in accordance with 49  
 9 C.F.R. Part 172, subpart F.

10 (d) Pursuant to the interpretation of the  
 11 Commercial Motor Vehicle Safety Act of 1986 by the  
 12 Federal Highway Administration, the definition of  
 13 "commercial vehicle" does not include:

14 (i) Recreational vehicles, when operated  
 15 primarily for personal use;

16 (ii) United States Department of Defense  
 17 vehicles being operated by non-civilian personnel.  
 18 This includes any operator on active military duty;  
 19 members of the Reserves; National Guard; personnel  
 20 on part-time training; and National Guard military  
 21 technicians (civilians who are required to wear  
 22 military uniforms and are subject to the Code of  
 23 Military Justice); or

24 (iii) Firefighting and other emergency  
 25 equipment with audible and visual signals, owned or  
 26 operated by or for a governmental entity, which is  
 27 necessary to the preservation of life or property or  
 28 the execution of emergency governmental functions  
 29 which are normally not subject to general traffic  
 30 rules and regulations.

31 Controlled Substance. "Controlled substance" shall have  
 32 the same meaning as defined in Section 102 of the Illinois  
 33 Controlled Substances Act, and shall also include cannabis as  
 34 defined in Section 3 of the Cannabis Control Act.

1 Conviction. "Conviction" means an unvacated adjudication  
2 of guilt or a determination that a person has violated or  
3 failed to comply with the law in a court of original  
4 jurisdiction or an authorized administrative tribunal; an  
5 unvacated forfeiture of bail or collateral deposited to  
6 secure the person's appearance in court; the payment of a  
7 fine or court cost regardless of whether the imposition of  
8 sentence is deferred and ultimately a judgment dismissing the  
9 underlying charge is entered; or a violation of a condition  
10 of release without bail, regardless of whether or not the  
11 penalty is rebated, suspended or probated.

12 Driver. "Driver" means any person who drives, operates,  
13 or is in physical control of a commercial motor vehicle, or  
14 who is required to hold a CDL.

15 Employee. "Employee" means a person who is employed as a  
16 commercial motor vehicle driver. A person who is  
17 self-employed as a commercial motor vehicle driver must  
18 comply with the requirements of this UCDLA pertaining to  
19 employees. An owner-operator on a long-term lease shall be  
20 considered an employee.

21 Employer. "Employer" means a person (including the  
22 United States, a State or a local authority) who owns or  
23 leases a commercial motor vehicle or assigns employees to  
24 operate such a vehicle. A person who is self-employed as a  
25 commercial motor vehicle driver must comply with the  
26 requirements of this UCDLA.

27 Foreign jurisdiction. "Foreign jurisdiction" means a  
28 sovereign jurisdiction that does not fall within the  
29 definition of "State".

30 Hazardous Material. Upon a finding by the United States  
31 Secretary of Transportation, in his or her discretion, under  
32 49 App. U.S.C. 5103(a), that the transportation of a  
33 particular quantity and form of material in commerce may pose  
34 an unreasonable risk to health and safety or property, he or

1 she shall designate the quantity and form of material or  
 2 group or class of the materials as a hazardous material. The  
 3 materials so designated may include but are not limited to  
 4 explosives, radioactive materials, etiologic agents,  
 5 flammable liquids or solids, combustible liquids or solids,  
 6 poisons, oxidizing or corrosive materials, and compressed  
 7 gases.

8 Long-term-lease. "Long-term-lease" means a lease of a  
 9 commercial motor vehicle by the owner-lessor to a lessee, for  
 10 a period of more than 29 days.

11 Motor Vehicle. "Motor vehicle" means every vehicle which  
 12 is self-propelled, and every vehicle which is propelled by  
 13 electric power obtained from over head trolley wires but not  
 14 operated upon rails, except vehicles moved solely by human  
 15 power and motorized wheel chairs.

16 Non-resident CDL. "Non-resident CDL" means a commercial  
 17 driver's license issued by a State to an individual who is  
 18 domiciled in a foreign jurisdiction.

19 Railroad-Highway Grade Crossing Violation.  
 20 "Railroad-Highway Grade Crossing Violation" means a  
 21 conviction when operating a commercial motor vehicle of any  
 22 of the following:

- 23 (a) A violation of Section 11-1201 of this Code.
- 24 (b) A violation of Section 11-1201.1 of this Code.
- 25 (c) A violation of Section 11-1202 of this Code.
- 26 (d) A violation of Section 11-1203 of this Code.
- 27 (e) A violation of 92 Illinois Administrative Code  
 28 392.10.
- 29 (f) A violation of 92 Illinois Administrative Code  
 30 392.11.
- 31 (g) A violation of any similar local ordinance.

32 Serious Traffic Violation. "Serious traffic violation"  
 33 means:

- 34 (a) A conviction when operating a commercial motor

1 vehicle of:

2 (i) a violation relating to excessive  
3 speeding, involving a single speeding charge of 15  
4 miles per hour or more above the legal speed limit;  
5 or

6 (ii) a violation relating to reckless driving;  
7 or

8 (iii) a violation of any State Law or local  
9 ordinance relating to motor vehicle traffic control  
10 (other than parking violations) arising in  
11 connection with a fatal traffic accident; or

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

14 (v) a violation of paragraph (a), of Section  
15 6-507, relating to the requirement to have a valid  
16 CDL; or

17 (vi) a violation relating to improper or  
18 erratic traffic lane changes; or

19 (vii) a violation relating to following  
20 another vehicle too closely; or

21 (b) any other similar violation of a law or local  
22 ordinance of any state relating to motor vehicle traffic  
23 control, other than a parking violation, which the  
24 Secretary of State determines by Administrative Rule to  
25 be serious.

26 State. "State" means a State of the United States, the  
27 District of Columbia and any Province or Territory of Canada.  
28 (Source: P.A. 89-179, eff. 1-1-96; 89-571, eff. 7-26-96;  
29 90-89, eff. 1-1-98.)

30 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)  
31 Sec. 6-514. Commercial Driver's License (CDL) -  
32 Disqualifications.

33 (a) A person shall be disqualified from driving a

1 commercial motor vehicle for a period of not less than 12  
2 months for the first violation of:

3 (1) Refusing to submit to or failure to complete a  
4 test or tests to determine the driver's blood  
5 concentration of alcohol, other drug, or both, while  
6 driving a commercial motor vehicle; or

7 (2) Operating a commercial motor vehicle while the  
8 alcohol concentration of the person's blood, breath or  
9 urine is at least 0.04, or any amount of a drug,  
10 substance, or compound in the person's blood or urine  
11 resulting from the unlawful use or consumption of  
12 cannabis listed in the Cannabis Control Act or a  
13 controlled substance listed in the Illinois Controlled  
14 Substances Act as indicated by a police officer's sworn  
15 report or other verified evidence; or

16 (3) Conviction for a first violation of:

17 (i) Driving a commercial motor vehicle while  
18 under the influence of alcohol, or any other drug,  
19 or combination of drugs to a degree which renders  
20 such person incapable of safely driving; or

21 (ii) Knowingly and wilfully leaving the scene  
22 of an accident while operating a commercial motor  
23 vehicle; or

24 (iii) Driving a commercial motor vehicle while  
25 committing any felony.

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

30 (b) A person is disqualified for life for a second  
31 conviction of any of the offenses specified in paragraph (a),  
32 or any combination of those offenses, arising from 2 or more  
33 separate incidents.

34 (c) A person is disqualified from driving a commercial

1 motor vehicle for life who uses a commercial motor vehicle in  
2 the commission of any felony involving the manufacture,  
3 distribution, or dispensing of a controlled substance, or  
4 possession with intent to manufacture, distribute or dispense  
5 a controlled substance.

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

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

25 (f) Notwithstanding any other provision of this Code,  
26 any driver disqualified from operating a commercial motor  
27 vehicle, pursuant to this UCDLA, shall not be eligible for  
28 restoration of commercial driving privileges during any such  
29 period of disqualification.

30 (g) After suspending, revoking, or cancelling a  
31 commercial driver's license, the Secretary of State must  
32 update the driver's records to reflect such action within 10  
33 days. After suspending or revoking the driving privilege of  
34 any person who has been issued a CDL or commercial driver

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

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

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

10 (1) For 6 months upon a first conviction of  
11 paragraph (2) of subsection (b) of Section 6-507 of this  
12 Code.

13 (2) For one year upon a second conviction of  
14 paragraph (2) of subsection (b) of Section 6-507 of this  
15 Code within a 10-year period.

16 (3) For 3 years upon a third or subsequent  
17 conviction of paragraph (2) of subsection (b) of Section  
18 6-507 of this Code within a 10-year period.

19 (4) For one year upon a first conviction of  
20 paragraph (3) of subsection (b) of Section 6-507 of this  
21 Code.

22 (5) For 3 years upon a second conviction of  
23 paragraph (3) of subsection (b) of Section 6-507 of this  
24 Code within a 10-year period.

25 (6) For 5 years upon a third or subsequent  
26 conviction of paragraph (3) of subsection (b) of Section  
27 6-507 of this Code within a 10-year period.

28 (j) A person convicted of a railroad-highway grade  
29 crossing violation is disqualified from driving a commercial  
30 motor vehicle in accordance with the following:

31 (1) For not less than 60 days if the driver is  
32 convicted of a first violation.

33 (2) For not less than 120 days if, during any  
34 3-year period, the driver is convicted of a second

1 violation in a separate incident.

2 (3) For not less than 1 year if, during any 3-year  
3 period, the driver is convicted of a third violation  
4 after 2 previous convictions resulting from separate  
5 incidents.

6 (Source: P.A. 89-245, eff. 1-1-96; 90-422, eff. 1-1-98.)

7 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)  
8 Sec. 18b-105. Rules and Regulations.

9 (a) The Department is authorized to make and adopt  
10 reasonable rules and regulations and orders consistent with  
11 law necessary to carry out the provisions of this Chapter.

12 (b) The following parts of Title 49 of the Code of  
13 Federal Regulations, as now in effect, are hereby adopted by  
14 reference as though they were set out in full:

15 Part 383-Commercial Driver's License Standards,  
16 Requirements, and Penalties;

17 Part 385-Safety Fitness Procedures;

18 Part 390-Federal Motor Carrier Safety Regulations:  
19 General;

20 Part 391-Qualifications of Drivers;

21 Part 392-Driving of Motor Vehicles;

22 Part 393-Parts and Accessories Necessary for Safe  
23 Operation;

24 Part 395-Hours of Service of Drivers; and

25 Part 396-Inspection, Repair and Maintenance.

26 (c) The following parts and Sections of the Federal  
27 Motor Carrier Safety Regulations shall not apply to those  
28 intrastate carriers, drivers or vehicles subject to  
29 subsection (b).

30 (1) Section 393.93 of Part 393 for those vehicles  
31 manufactured before June 30, 1972.

32 (2) Section 393.86 of Part 393 for those vehicles  
33 which are registered as farm trucks under subsection (c)

1 of Section 3-815 of The Illinois Vehicle Code.

2 (3) (Blank).

3 (4) (Blank).

4 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

5 (6) All of Part 395 for all agricultural movements  
6 as defined in Chapter 1, between the period of February 1  
7 through November 30 each year, and all farm to market  
8 agricultural transportation as defined in Chapter 1 and  
9 for grain hauling operations within a radius of 200 air  
10 miles of the normal work reporting location.

11 (7) Paragraphs (b)(3) (insulin dependent diabetic)  
12 and (b)(10) (minimum visual acuity) of Section 391.41 of  
13 part 391, but only for any driver who immediately prior  
14 to July 29, 1986 was eligible and licensed to operate a  
15 motor vehicle subject to this Section and was engaged in  
16 operating such vehicles, and who was disqualified on July  
17 29, 1986 by the adoption of Part 391 by reason of the  
18 application of paragraphs (b)(3) and (b)(10) of Section  
19 391.41 with respect to a physical condition existing at  
20 that time unless such driver has a record of accidents  
21 which would indicate a lack of ability to operate a motor  
22 vehicle in a safe manner.

23 (d) Intrastate carriers subject to the recording  
24 provisions of Section 395.8 of Part 395 of the Federal Motor  
25 Carrier Safety Regulations shall be exempt as established  
26 under paragraph (1) of Section 395.8; provided, however, for  
27 the purpose of this Code, drivers shall operate within a 150  
28 air-mile radius of the normal work reporting location to  
29 qualify for exempt status.

30 (e) Regulations adopted by the Department subsequent to  
31 those adopted under subsection (b) hereof shall be identical  
32 in substance to the Federal Motor Carrier Safety Regulations  
33 of the United States Department of Transportation and adopted  
34 in accordance with the procedures for rulemaking in Section

1 5-35 of the Illinois Administrative Procedure Act.  
2 (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97;  
3 90-655, eff. 7-30-98; 91-179, eff. 1-1-00.)

4 (625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)  
5 Sec. 18b-107. Violations - Civil penalties.

6 Except as provided in Section 18b-108, any person who is  
7 determined by the Department after reasonable notice and  
8 opportunity for a fair and impartial hearing to have  
9 committed an act in violation of this Chapter or any rule or  
10 regulation issued under this Chapter is liable to the State  
11 for a civil penalty. Such person is subject to a civil  
12 penalty of not more than \$5,000 for such violation, except  
13 that a person committing a railroad-highway grade crossing  
14 violation is subject to a civil penalty of not more than  
15 \$10,000, and, if any such violation is a continuing one, each  
16 day of violation constitutes a separate offense. The amount  
17 of any such penalty shall be assessed by the Department by a  
18 written notice. In determining the amount of such penalty,  
19 the Department shall take into account the nature,  
20 circumstances, extent and gravity of the violation and, with  
21 respect to a person found to have committed such violation,  
22 the degree of culpability, history or prior offenses, ability  
23 to pay, effect on ability to continue to do business and such  
24 other matters as justice may require.

25 Such civil penalty is recoverable in an action brought by  
26 the State's Attorney or the Attorney General on behalf of the  
27 State in the circuit court or, prior to referral to the  
28 State's Attorney or the Attorney General, such civil penalty  
29 may be compromised by the Department. The amount of such  
30 penalty when finally determined (or agreed upon in  
31 compromise), may be deducted from any sums owed by the State  
32 to the person charged. All civil penalties collected under  
33 this subsection shall be deposited in the Road Fund.

1 (Source: P.A. 86-611; 86-1236.)

2 Section 99. Effective date. This Act takes effect

3 January 1, 2002.