

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

80TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

WEDNESDAY, OCTOBER 28, 2009

3:03 O'CLOCK P.M.

**HOUSE OF REPRESENTATIVES
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The House met pursuant to adjournment.

Representative Turner in the chair.

Prayer by Rabbi Howard Lifshitz, who is the Rabbi with Congregation Beth Judea Synagogue in Long Grove, IL.

Representative Jackson led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

114 present. (ROLL CALL 1)

By unanimous consent, Representatives Coladipietro, Colvin, Careen Gordon and Stephens were excused from attendance.

LETTER OF TRANSMITTAL

October 28, 2009

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to November 30, 2009 for the following Bill:

House Bill: 1195.

If you have questions, please contact my Chief of Staff, Tim Mapes, 782-6360.

With kindest personal regards, I remain

Sincerely yours,
s/Michael J. Madigan
Speaker of the House

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Jefferson replaced Representative Turner in the Committee on Rules on October 28, 2009.

Representative Kosel replaced Representative Brady in the Committee on Personnel and Pensions on October 28, 2009.

Representative Currie replaced Representative Burke in the Committee on Personnel and Pensions on October 28, 2009.

Representative Winters replaced Representative Fortner in the Committee on Cities & Villages on October 28, 2009.

Representative Joyce replaced Representative Yarbrough in the Committee on Cities & Villages on October 28, 2009.

Representative Mautino replaced Representative Brosnahan in the Committee on Judiciary I - Civil Law on October 28, 2009.

Representative Riley replaced Representative Careen Gordon in the Committee on Judiciary I - Civil Law on October 28, 2009.

Representative Harris replaced Representative Ford in the Committee on Revenue & Finance on October 28, 2009.

Representative Jehan Gordon replaced Representative Careen Gordon in the Committee on Revenue & Finance on October 28, 2009.

Representative Beaubien replaced Representative Coladipietro in the Committee on Business & Occupational Licenses on October 28, 2009.

Representative Lyons replaced Representative Arroyo in the Committee on Business & Occupational Licenses on October 28, 2009.

Representative Poe replaced Representative Bassi in the Committee on Elementary & Secondary Education on October 28, 2009.

Representative Mendoza replaced Representative Yarbrough in the Committee on Elementary & Secondary Education on October 28, 2009.

Representative Holbrook replaced Representative Flider in the Committee on Elementary & Secondary Education on October 28, 2009.

TEMPORARY COMMITTEE ASSIGNMENTS FOR COMMITTEES NOT REPORTING

Representative Chapa LaVia replaced Representative Froehlich in the Committee on Elementary & Secondary Education on October 28, 2009.

Representative Beaubien replaced Representative Senger in the Committee on Elementary & Secondary Education on October 28, 2009.

Representative Schmitz replaced Representative Cavaletto in the Committee on Elementary & Secondary Education on October 28, 2009.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bill be reported "approved for consideration" and be placed on the order of Concurrence: HOUSE BILL 1195.

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 3 to SENATE BILL 1846.

Amendment No. 3 to SENATE BILL 2109.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 1195.

The committee roll call vote on the foregoing Legislative Measures is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
 Y Lang(D)
 Y Jefferson(D) (replacing Turner)

A Black(R), Republican Spokesperson
 Y Schmitz(R)

REPORTS FROM STANDING COMMITTEES

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 760.

The committee roll call vote on Senate Bill 760 is as follows:

5, Yeas; 1, Nay; 0, Answering Present.

Y Jakobsson(D), Chairperson
 Y Bellock(R), Republican Spokesperson
 A Collins(D)
 Y Schmitz(R)

Y Howard(D), Vice-Chairperson
 N Cole(R)
 Y Flowers(D)

Representative Rita, Chairperson, from the Committee on Business & Occupational Licenses to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 332 and 728.

The committee roll call vote on Senate Bills 332 and 728 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Rita(D), Chairperson
 Y Coulson(R), Republican Spokesperson
 Y Lyons(D) (replacing Arroyo)
 A Burke(D)
 Y Connelly(R)
 A Holbrook(D)
 Y Miller(D)
 A Mulligan(R)

A Fritchey(D), Vice-Chairperson
 A Acevedo(D)
 Y Beiser(D)
 Y Beaubien(R) (replacing Coladipietro)
 Y DeLuca(D)
 Y McAuliffe(R)
 A Mitchell, Bill(R)
 A Saviano(R)

Representative Bradley, Chairperson, from the Committee on Revenue & Finance to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1942.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 595.

That the Motion be reported "recommends be adopted" and placed on the House Calendar: Motion to concur with Senate Amendment No. 1 to HOUSE BILL 2239.

The committee roll call vote on Senate Bill 595 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Bradley(D), Chairperson
 Y Biggins(R), Republican Spokesperson
 Y Beaubien(R)
 Y Currie(D)
 Y Harris(D)(replacing Ford)

A Mautino(D), Vice-Chairperson
 A Bassi(R)
 A Chapa LaVia(D)
 A Eddy(R)
 Y Gordon, Jehan(D)(replacing Gordon, C)

Y Sullivan(R)	A Turner(D)
A Zalewski(D)	

The committee roll call vote on Senate Bill 1942 is as follows:
 9, Yeas; 0, Nays; 0, Answering Present.

Y Bradley(D), Chairperson	A Mautino(D), Vice-Chairperson
Y Biggins(R), Republican Spokesperson	A Bassi(R)
Y Beaubien(R)	Y Chapa LaVia(D)
Y Currie(D)	Y Eddy(R)
Y Harris(D)(replacing Ford)	Y Gordon, Jehan(D)(replacing Gordon, C)
Y Sullivan(R)	A Turner(D)
A Zalewski(D)	

The committee roll call vote on Motion to concur with Senate Amendment No. 1 to House Bill 2239 is as follows:

10, Yeas; 0, Nays; 0, Answering Present.

Y Bradley(D), Chairperson	A Mautino(D), Vice-Chairperson
Y Biggins(R), Republican Spokesperson	A Bassi(R)
Y Beaubien(R)	Y Chapa LaVia(D)
Y Currie(D)	Y Eddy(R)
Y Harris(D)(replacing Ford)	Y Gordon, Jehan(D)(replacing Gordon, C)
Y Sullivan(R)	A Turner(D)
Y Zalewski(D)	

Representative McCarthy, Chairperson, from the Committee on Personnel and Pensions to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1946.

The committee roll call vote on Senate Bill 1946 is as follows:
 6, Yeas; 0, Nays; 0, Answering Present.

Y McCarthy(D), Chairperson	A Colvin(D), Vice-Chairperson
Y Poe(R), Republican Spokesperson	A Acevedo(D)
Y Kosel(R) (replacing Brady)	Y Brauer(R)
A Brosnahan(D)	Y Currie(D) (replacing Burke)
A Graham(D)	Y McAuliffe(R)

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 395 and 931.

The committee roll call vote on Senate Bill 395 is as follows:
 14, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey(D), Chairperson	Y Bradley(D), Vice-Chairperson
Y Rose(R), Republican Spokesperson	Y Mautino(D) (replacing Brosnahan)
A Coladipietro(R)	Y Connelly(R)
Y Riley(D) (replacing Gordon, C)	A Hamos(D)
Y Hoffman(D)	Y Lang(D)
Y Mathias(R)	Y Nekritz(D)
Y Osmond(R)	Y Thapedi(D)

Y Tracy(R) A Wait(R)
 Y Zalewski(D)

The committee roll call vote on Senate Bill 931 is as follows:
 13, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey(D), Chairperson	Y Bradley(D), Vice-Chairperson
Y Rose(R), Republican Spokesperson	Y Mautino(D) (replacing Brosnahan)
A Coladipietro(R)	Y Connelly(R)
Y Riley(D) (replacing Gordon, C)	A Hamos(D)
A Hoffman(D)	Y Lang(D)
Y Mathias(R)	Y Nekritz(D)
Y Osmond(R)	Y Thapedi(D)
Y Tracy(R)	A Wait(R)
Y Zalewski(D)	

Representative Froehlich, Chairperson, from the Committee on Cities & Villages to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2188.

The committee roll call vote on Senate Bill 2188 is as follows:
 5, Yeas; 1, Nay; 1, Answering Present.

Y Froehlich(D), Chairperson	Y Riley(D), Vice-Chairperson
Y Mathias(R), Republican Spokesperson	A Crespo(D)
Y Winters(R) (replacing Fortner)	N Sente(D)
A Stephens(R)	P Walker(D)
A Wait(R)	Y Joyce(D) (replacing Yarbrough)

Representative Smith, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the Motion be reported “recommends be adopted” and placed on the House Calendar: Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 806.

The committee roll call vote on Motion to Concur with Senate Amendments numbered 1 and 2 to House Bill 806 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Smith(D), Chairperson	Y Crespo(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	Y Poe(R) (replacing Bassi)
A Cavaletto(R)	A Colvin(D)
Y Davis, Monique(D)	Y Dugan(D)
Y Eddy(R)	Y Holbrook(D) (replacing Flider)
A Froehlich(D)	Y Golar(D)
A Miller(D)	A Osterman(D)
A Pihos(R)	A Pritchard(R)
Y Reis(R)	Y Senger(R)
A Watson(R)	Y Mendoza(D) (replacing Yarbrough)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 390 and 747.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2248.

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 2 to SENATE BILL 941.
Amendment No. 2 to SENATE BILL 1471.

That the Motion be reported “recommends be adopted” and placed on the House Calendar:
Motion to Accept Amendatory Veto Motion on SENATE BILL 1682.

The committee roll call vote on Senate Bill 747 is as follows:
8, Yeas; 2, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
N Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Berrios(D)
Y Biggins(R)	Y Rita(D)
A Sullivan(R)	N Tryon(R)
Y Turner(D)	

The committee roll call vote on Senate Bills 390, 941, 2248, and Motion to Accept Amendatory Veto Motion on 1682 is as follows:

11, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Berrios(D)
Y Biggins(R)	Y Rita(D)
Y Sullivan(R)	Y Tryon(R)
Y Turner(D)	

The committee roll call vote on Senate Bill 1471 is as follows:
8, Yeas; 3, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Arroyo(D)	Y Berrios(D)
N Biggins(R)	Y Rita(D)
N Sullivan(R)	N Tryon(R)
Y Turner(D)	

MOTIONS SUBMITTED

Representative Currie submitted the following written motion, which was placed on the Calendar on the order of Motions in Writing:

MOTION

Pursuant to Rule 25, I move to suspend the posting requirements of Rule 21 in relation to SENATE BILL 1896 to be heard in Judiciary II – Criminal Law.

REQUEST FOR FISCAL NOTE

Representative Black requested that a Fiscal Note be supplied for SENATE BILL 1471, as amended.

REQUEST FOR HOME RULE NOTE

Representative Black requested that a Home Rule Note be supplied for SENATE BILL 1471, as amended.

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Froehlich was removed as principal sponsor, and Representative Holbrook became the new principal sponsor of SENATE BILL 277.

With the consent of the affected members, Representative Currie was removed as principal sponsor, and Representative Howard became the new principal sponsor of SENATE BILL 2109.

With the consent of the affected members, Representative McAuliffe was removed as principal sponsor, and Representative Sullivan became the new principal sponsor of SENATE BILL 1942.

HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 693

Offered by Representative Lyons:

WHEREAS, Credit unions are not-for-profit financial cooperatives, democratically owned and operated, and founded by people working together toward economic advancement; and

WHEREAS, Credit unions embrace a "people helping people" philosophy through the pooling of personal resources and leadership abilities for the good of the cooperative, empowering members to improve their financial futures and uniting to help those in need; and

WHEREAS, Credit unions have demonstrated outstanding leadership throughout the communities in which they have served since they were founded more than 150 years ago; and

WHEREAS, Credit unions have championed the idea that people from all walks of life should have access to affordable financial services offered by credit unions; and

WHEREAS, Credit unions empower people to improve their economic situations in 97 nations around the world at more than 53,000 credit unions that serve the financial needs of 186 million people, including nearly 400 Illinois credit unions providing financial services to 2.7 million Illinois citizens; and

WHEREAS, Credit unions are developing strong alliances that make financial democracy possible in many countries such as Afghanistan, Kenya, Mexico, Ukraine, and throughout the rest of the world; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize October 15, 2009 as International Credit Union Day and ask that all citizens recognize the many contributions credit unions have made to the communities in Illinois, both tangible and intangible, through the years, and honor and express appreciation for the service and commitment of credit unions.

HOUSE RESOLUTION 695

Offered by Representative Jackson:

WHEREAS, Interstate 64 is a major thoroughfare that runs through the communities of East St. Louis, O'Fallon, Fairview Heights, and Washington Park in southwestern Illinois; and

WHEREAS, Wyvetter Younge was one of the longest-serving members of the Illinois House of Representatives; she was born and raised in East St. Louis; she took office in 1975, worked tirelessly on behalf of her constituents, and believed strongly in her community; and

WHEREAS, She was a staunch believer in education and economic development, fighting hard to keep the State community college in East St. Louis; she fought to make certain that the Casino Queen would be in East St. Louis; and she fought for any cause that would help her district; and

WHEREAS, She represented House District 114, which includes some of the poorest communities in the Metro-East and some of the wealthiest; the district covers Alorton, Brooklyn, Centreville, East St. Louis, Scott Air Force Base, Shiloh, Washington Park, and parts of Belleville, Cahokia, Fairview Heights, Mascoutah, Millstadt, Swansea, Venice, and O'Fallon south of State Street; and

WHEREAS, In respect for former Representative Younge, and her dedication and hard work for the people of her district, we believe she deserves to be honored in a prominent way in her district; and the naming of this stretch of highway is fitting, because Representative Younge was known as a dedicated servant who almost always returned home to her district and family instead of staying overnight in Springfield, and used this route extensively in the service of area residents; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the portion of Interstate 64 from Summit Avenue to Illinois Highway 111 be designated the Wyvetter Younge Memorial Parkway; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the Wyvetter Younge Memorial Parkway; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Secretary of the Illinois Department of Transportation and the family of State Representative Wyvetter Younge.

HOUSE RESOLUTION 710

Offered by Representative Kosel:

WHEREAS, During the 96th General Assembly, House Resolution 163 created a task force to study local government development standards and processes and their effect on watershed, wetlands, and floodplains; and

WHEREAS, The task force is required to report its findings and recommendations to the General Assembly on or before January 1, 2010; and

WHEREAS, The task force has yet to meet as a result of a delay in the appointment of members of the task force; and

WHEREAS, The deadline for reporting the findings and recommendations of the task force should be extended to provide the task force with sufficient time to complete its work; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the task force created by House Resolution 163 of the 96th General Assembly shall report its findings and recommendations to the General Assembly on or before September 1, 2010; and be it further

RESOLVED, That with this reporting extension, the task force shall continue to operate pursuant to House Resolution 163 of the 96th General Assembly.

HOUSE RESOLUTION 712

Offered by Representative Harris:

WHEREAS, The United States Senate and the United States House of Representatives passed resolutions in 2005 acknowledging the genocide that Serbian forces perpetrated in all of Bosnia from 1992 to 1995 and in Srebrenica; and

WHEREAS, July 11, 2009 is commemorated as the 14th anniversary of the Srebrenica massacre, in which at least 8,372 innocent Bosniak civilians were summarily executed and 30,000 were expelled from their homes in the worst atrocity in Europe since the Holocaust; and

WHEREAS, This anniversary raises awareness of the tragic suffering of the Bosnian and Herzegovinian people and honors and remembers those who died as a result of the policies of ethnic cleansing and aggression; and

WHEREAS, The State of Illinois recognizes the importance of this event, which seeks to bring closure for the Bosnian and Herzegovinian people through justice and truth; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate July 11, 2009 and every July 11 thereafter as Srebrenica Remembrance Day in the State of Illinois; and be it further

RESOLVED, That we designate the week of July 11 every year as Bosnia and Herzegovina Tribute

Week in the State of Illinois; and be it further

RESOLVED, That we call upon all the citizens of the State of Illinois to work toward ending the cycle of violence and to promote peaceful coexistence among all people on Earth.

AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 690

Offered by Representative Durkin:

Congratulates the members of the Hinsdale South High School Special Olympics team on the occasion of being designated 2009 Illinois State Basketball Gold Medal Winners.

HOUSE RESOLUTION 691

Offered by Representative Mautino:

Commemorates the 100th anniversary of the Cherry Mine Disaster.

HOUSE RESOLUTION 692

Offered by Representative Reitz:

Congratulates the congregation of the Flat Creek Missionary Baptist Church on the occasion of the church's 200th anniversary.

HOUSE RESOLUTION 694

Offered by Representative Ford:

Congratulates the staff and directors of Buyers Market Inc. in Chicago on their years of serving the Chicago area.

HOUSE RESOLUTION 696

Offered by Representative McGuire:

Congratulates Edward T. Meyers, Sr. on the occasion of his 90th birthday on October 28, 2009 and salutes his 39 years of service and loyal work in organizing reunions for the 65th Signal Battalion.

HOUSE RESOLUTION 697

Offered by Representative Chapa LaVia:

Congratulates Jake Campbell of Elmhurst on hiking the Appalachian Trail.

HOUSE RESOLUTION 698

Offered by Representative Chapa LaVia:

Mourns the death of Edward H. Fauth of Aurora.

HOUSE RESOLUTION 699

Offered by Representative Burns:
Mourns the death of John L. Watson Sr.

HOUSE RESOLUTION 700

Offered by Representative Burns:
Congratulates the pastor and congregation of New Covenant Missionary Baptist Church Worship Center in Chicago on the 75th anniversary of the church. Congratulates Senior Pastor Reverend Stephen J. Thurston on his 30th anniversary of pastoral ministry.

HOUSE RESOLUTION 701

Offered by Representative Eddy:
Congratulates the students, alumni, staff, and administration of Lincoln Trail College in Robinson on the occasion of the college's 40th anniversary.

HOUSE RESOLUTION 702

Offered by Representative Collins:
Congratulates Richard Moore on the occasion of his retirement as a United States Department of Veterans Affairs police officer.

HOUSE RESOLUTION 703

Offered by Representative Durkin:
Congratulates the administration and faculty of John Marshall Law School for its continuing commitment to train men and women to serve the people of the State of Illinois and recognizes the distinguished career of George E. Sangmeister and the exemplary service he gave to the legal profession and the State of Illinois.

HOUSE RESOLUTION 704

Offered by Representative Cavaletto:
Recognizes the designation of the Thomas M. Pigg Wetlands Restoration Area in the Carlyle Lake wetlands by the United States Army Corps of Engineers.

HOUSE RESOLUTION 705

Offered by Representative Jakobsson:
Mourns the death of Lester Thomas Pritchard of Urbana.

HOUSE RESOLUTION 706

Offered by Representative Mathias:
Congratulates the administration, faculty, and students of Windsor Elementary School in Arlington Heights on the occasion of its designation as a Blue Ribbon School by the United States Department of Education.

HOUSE RESOLUTION 707

Offered by Representative Lyons:

Congratulates the Polish American Congress on its National Conference and their 65th anniversary.

HOUSE RESOLUTION 708

Offered by Representative Flider:

Congratulates the members of the Decatur Trades & Labor Assembly on the occasion of the 50th anniversary of the organization's charter with the AFL-CIO.

HOUSE RESOLUTION 709

Offered by Representative Flider:

Congratulates the congregation of the Church of the Living God C.W.F.F. Temple #46 in Decatur on the occasion of the church's 100th anniversary.

HOUSE RESOLUTION 711

Offered by Representative Reitz:

Congratulates Harry "Bud" Kelley on the occasion of his retirement after 34 years of service with the Illinois Association of Tobacco & Candy Distributors.

HOUSE RESOLUTION 713

Offered by Representative Rose:

Congratulates Dr. Jill F. Nilsen, Vice President for External Relations at Eastern Illinois University, on her retirement.

HOUSE RESOLUTION 714

Offered by Representative Rose:

Mourns the death of Coach Mervin Baker of Charleston.

HOUSE RESOLUTION 715

Offered by Representative Brauer:

Congratulates Helen Duckworth on her retirement from the Illinois State Treasurer's Office.

HOUSE RESOLUTION 716

Offered by Representative Cross:

Congratulates the Oswego High School Girls Varsity Tennis Team on winning the Southwest Prairie Conference Meet and becoming conference champions.

HOUSE RESOLUTION 717

Offered by Representative D'Amico:

Congratulates the members of the Forest Glen community on the occasion of winning 3rd place in the Community Landscape Category of the 2009 Mayor Daley's Landscape Awards for its Forest Glen Gardens.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 2:52 o'clock p.m.

SUSPEND POSTING REQUIREMENTS

Pursuant to Rule 25, Representative Currie moved to suspend the posting requirements of Rule 21 in relation to SENATE BILL 1896 to be heard in Judiciary II – Criminal Law.

The motion prevailed.

ACTION ON VETO MOTIONS

Pursuant to the Motion submitted previously, Representative Fortner moved that the House concur with the Senate in the passage of SENATE BILL 1882, the Governor's Specific Recommendations for change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 2)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the House concurred with the Senate in the passage of the bill, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate.

Pursuant to the Motion submitted previously, Representative Osterman moved that the House concur with the Senate in the passage of SENATE BILL 2043, the Governor's Specific Recommendations for change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 3)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the House concurred with the Senate in the passage of the bill, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate.

Pursuant to the Motion submitted previously, Representative Lyons moved that the House concur with the Senate in the passage of SENATE BILL 1685, the Governor's Specific Recommendations for change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 4)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the House concurred with the Senate in the passage of the bill, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate.

Pursuant to the Motion submitted previously, Representative Dugan moved that the House concur with the Senate in the acceptance of the Governor's Specific Recommendations for Change to SENATE BILL 1682, by adoption of the following amendment:

AMENDMENT TO SENATE BILL 1682

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 1682 on page 49, immediately below line 19, by inserting the following:
"Section 99. Effective date. This Act takes effect on January 31, 2010."

And on that motion, a vote was taken resulting as follows:

92, Yeas; 22, Nays; 0, Answering Present.

(ROLL CALL 5)

The Motion, having received the votes of a constitutional majority of the Members elected, prevailed and the House concurred with the Senate in the adoption of the Governor's Specific Recommendations for Change.

Ordered that the Clerk inform the Senate.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 2 was distributed to the Members at 3:39 o'clock p.m.

ACTION ON VETO MOTIONS

Pursuant to the Motion submitted previously, Representative William Davis moved that the House concur with the Senate in the passage of SENATE BILL 47, the Governor's Specific Recommendations for change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 6)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the House concurred with the Senate in the passage of the bill, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate.

**CONCURRENCES AND NON-CONCURRENCES
IN SENATE AMENDMENTS TO HOUSE BILLS**

Senate Amendments numbered 1 and 2 to HOUSE BILL 806, having been reproduced, were taken up for consideration.

Representative Fortner moved that the House concur with the Senate in the adoption of Senate Amendments numbered 1 and 2.

And on that motion, a vote was taken resulting as follows:

111, Yeas; 3, Nays; 0, Answering Present.

(ROLL CALL 7)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 2 to HOUSE BILL 806.

Ordered that the Clerk inform the Senate.

RESOLUTIONS

Having been reported out of the Committee on Rules on October 15, 2009, HOUSE RESOLUTION 674 was taken up for consideration.

Representative Bradley moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Having been reported out of the Committee on Rules on October 8, 2009, HOUSE RESOLUTION 572 was taken up for consideration.

Representative Chapa LaVia moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

SENATE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: SENATE BILLS 332 and 390.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 395, 595, 728, 747 and 760.

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 931.

SENATE BILL 1942. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue & Finance, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1942 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 6-25 as follows:

(35 ILCS 200/6-25)

Sec. 6-25. Additional members. In counties with a board of review appointed under Section 6-5, when the county board declares by resolution that the number of complaints filed with the board of review has created an emergency situation and caused a need for an expanded board of review, the chairman of the county board may appoint additional qualified members to the board of review for the sole purpose of holding separate hearings on complaints. The additional members shall not take part in the intracounty equalization process of the board of review under Section 16-60 or Section 16-65. If a board of review is expanded under this Section in Lake, DuPage, McHenry, or Kane County, then the chairman of that county board may appoint qualified residents of counties that are directly adjacent to that chairman's county to serve as additional members of the expanded board of review.

(Source: P.A. 86-905; 87-1189; 88-455.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 1946. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Personnel and Pensions, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1946 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 14-103.12 as follows:

(40 ILCS 5/14-103.12) (from Ch. 108 1/2, par. 14-103.12)

Sec. 14-103.12. Final average compensation.

(a) For retirement and survivor annuities, "final average compensation" means the ~~the~~ monthly

compensation obtained by dividing the total compensation of an employee during the period of: (1) the 48 consecutive months of service within the last 120 months of service in which the total compensation was the highest, or (2) the total period of service, if less than 48 months, by the number of months of service in such period; provided that for purposes of a retirement annuity the average compensation for the last 12 months of the 48-month period shall not exceed the final average compensation by more than 25%.

(b) For death and disability benefits, in the case of a full-time employee, "final average compensation" means the greater of (1) the rate of compensation of the employee at the date of death or disability multiplied by 1 in the case of a salaried employee, by 174 in the case of an hourly employee, and by 22 in the case of a per diem employee, or (2) for benefits commencing on or after January 1, 1991, final average compensation as determined under subsection (a).

For purposes of this paragraph, full or part-time status shall be certified by the employing agency. Final rate of compensation for a part-time employee shall be the total compensation earned during the last full calendar month prior to the date of death or disability.

(c) Notwithstanding the provisions of subsection (a), for the purpose of calculating retirement and survivor annuities of persons with at least 20 years of eligible creditable service as defined in Section 14-110, "final average compensation" means the monthly rate of compensation received by the person on the last day of eligible creditable service (but not to exceed 115% of the average monthly compensation received by the person for the last 24 months of service, unless the person was in service as a State policeman before the effective date of this amendatory Act of 1997), or the average monthly compensation received by the person for the last 48 months of service prior to retirement, whichever is greater.

(d) Notwithstanding the provisions of subsection (a), for a person who was receiving, on the date of retirement or death, a disability benefit calculated under subdivision (b)(2) of this Section, the final average compensation used to calculate the disability benefit may be used for purposes of calculating the retirement and survivor annuities.

(e) In computing the final average compensation, periods of military leave shall not be considered.

(f) The changes to this Section made by this amendatory Act of 1997 (redefining final average compensation for members under the alternative formula) apply to members who retire on or after January 1, 1998, without regard to whether employment terminated before the effective date of this amendatory Act of 1997.

(g) For a member on leave of absence without pay who purchases service credit for such period of leave pursuant to subsection (l) of Section 14-104, earnings are assumed to be equal to the rate of compensation in effect immediately prior to the leave. If no contributions are required to establish service credit for the period of leave, the member may elect to establish earnings credit for the leave period within 48 months after returning to work by making the employee and employer contributions required by subsection (l) of Section 14-104, based on the rate of compensation in effect immediately prior to the leave, plus interest at the actuarially assumed rate. In determining the contributions required for establishing service credit under this subsection (g), the interest shall be calculated from the beginning of the leave of absence to the date of payment.

(Source: P.A. 96-525, eff. 8-14-09.)"

There being no further amendment(s), the bill, as amended, was held on the order of Second Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 2188.

SENATE BILL 2248. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2248 by replacing everything after the enacting clause with the following:

"Section 1. The General Assembly finds that the use of any motor vehicle, snowmobile or watercraft while under the influence of alcohol or other drugs is inherently dangerous. Further, the General Assembly finds that there is an unacceptable risk to the public safety and welfare that an offender who drives or operates any one of these devices while under the influence will continue to drive or operate another of these devices while under the influence. Further, the General Assembly finds that increased, enhanced, and

coordinated legislative, law enforcement, and administrative measures are needed to improve this State's efforts to deter this unlawful activity. Finally, the General Assembly finds that the public safety and welfare can be better served and protected by harmonizing and integrating this State's statutes related to driving, boating, and snowmobiling while under the influence of alcohol and other drugs, and that it is with this intent that this legislation is enacted.

Section 5. The Illinois Vehicle Code is amended by changing Sections 1-197.5, 2-118.1, 6-113, 6-203.1, 6-205, 6-206, 6-208.1, 6-208.2, 6-303, 6-304.1, 6-514, 11-501, 11-501.01, 11-501.1, 11-501.2, 11-501.5, 11-501.6, and 11-501.8 and by adding Sections 1-189.5, 1-225, 1-226, and 6-208.3 as follows:

(625 ILCS 5/1-189.5 new)

Sec. 1-189.5. Snowmobile. The same meaning ascribed to the term "snowmobile" by Section 1-2.15 of the Snowmobile Registration and Safety Act.

(625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

Sec. 1-197.5. Statutory summary ~~alcohol or other drug related~~ suspension of driving, snowmobile operating, and watercraft operating ~~driver's~~ privileges. The suspension withdrawal by the Secretary of State or Department of Natural Resources of a person's license or privilege to drive operate a motor vehicle on the public highways, operate a snowmobile, or operate a watercraft for the periods provided in Section 6-208.1. Reinstatement after the suspension period shall occur after all appropriate fees have been paid. The bases for this suspension withdrawal of driving, snowmobile operating, and watercraft operating privileges shall be the individual's refusal to submit to or failure to complete a chemical test or tests following an arrest for the offense of driving or operating under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, or submission to such a test or tests indicating an alcohol concentration of 0.08 or more as provided in Section 11-501.1 of this Code.

(Source: P.A. 96-607, eff. 8-24-09.)

(625 ILCS 5/1-225 new)

Sec. 1-225. Watercraft. The same meaning ascribed to the term "watercraft" by Section 1-2 of the Boat Registration and Safety Act.

(625 ILCS 5/1-226 new)

Sec. 1-226. Waters of this State. The same meaning ascribed to the term "waters of this State" by Section 1-2 of the Boat Registration and Safety Act.

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

Sec. 2-118.1. Opportunity for hearing; statutory summary ~~alcohol or other drug related~~ suspension.

(a) A statutory summary suspension of driving, snowmobile operating, and watercraft operating privileges under Section 11-501.1 shall not become effective until the person is notified in writing of the impending suspension and informed that he may request a hearing in the circuit court of venue under paragraph (b) of this Section and the statutory summary suspension shall become effective as provided in Section 11-501.1.

(b) Within 90 days after the notice of statutory summary suspension served under Section 11-501.1, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the statutory summary suspension rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket or Illinois Conservation Citation and Complaint issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the statutory summary suspension. The hearings shall proceed in the court in the same manner as in other civil proceedings.

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

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

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

2. Whether the officer had reasonable grounds to believe that the person was driving, operating, or in actual physical control of a (i) motor vehicle upon a highway, (ii) snowmobile in this State, or (iii) watercraft upon the waters of this State while under the influence of alcohol, other drug, or combination of both; and

3. Whether the person, after being advised by the officer that the privilege to drive operate a

motor vehicle, ~~operate a snowmobile, and operate a watercraft~~ would be suspended if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol or drug concentration; or

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

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension and immediately notify the Secretary of State and the Department of Natural Resources. Reports received by the Secretary of State and the Department of Natural Resources under this Section shall be privileged information and for use only by the courts, police officers, the Department of Natural Resources, and Secretary of State.

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

(625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

Sec. 6-113. Restricted licenses and permits.

(a) The Secretary of State upon issuing a drivers license or permit shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Secretary of State may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The Secretary of State may either issue a special restricted license or permit or may set forth such restrictions upon the usual license or permit form.

(c) The Secretary of State may issue a probationary license to a person whose driving privileges have been suspended pursuant to subsection (d) of this Section or subsections (a)(2), (a)(19) and (a)(20) of Section 6-206 of this Code. This subsection (c) does not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle. The Secretary of State shall promulgate rules pursuant to the Illinois Administrative Procedure Act, setting forth the conditions and criteria for the issuance and cancellation of probationary licenses.

(d) The Secretary of State may upon receiving satisfactory evidence of any violation of the restrictions of such license or permit suspend, revoke or cancel the same without preliminary hearing, but the licensee or permittee shall be entitled to a hearing as in the case of a suspension or revocation.

(e) It is unlawful for any person to ~~drive operate~~ a motor vehicle in any manner in violation of the restrictions imposed on a restricted license or permit issued to him.

(f) Whenever the holder of a restricted driving permit is issued a citation for any of the following offenses including similar local ordinances, the restricted driving permit is immediately invalidated:

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

2. Violation of Section 11-501 of this Act relating to ~~driving the operation of~~ a motor vehicle, ~~operating a snowmobile, or operating a watercraft~~ while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof ~~intoxicating liquor or narcotic drugs~~;

3. Violation of Section 11-401 of this Act relating to the offense of leaving the scene of a traffic accident involving death or injury;

4. Violation of Section 11-504 of this Act relating to the offense of drag racing; or

5. Violation of Section 11-506 of this Act relating to the offense of street racing.

The police officer issuing the citation shall confiscate the restricted driving permit and forward it, along with the citation, to the Clerk of the Circuit Court of the county in which the citation was issued.

(g) The Secretary of State may issue a special restricted license for a period of 12 months to individuals using vision aid arrangements other than standard eyeglasses or contact lenses, allowing the operation of a motor vehicle during nighttime hours. The Secretary of State shall adopt rules defining the terms and conditions by which the individual may obtain and renew this special restricted license. At a minimum, all drivers must meet the following requirements:

1. Possess a valid driver's license and have ~~driven operated~~ a motor vehicle during daylight hours

for a period of 12 months using vision aid arrangements other than standard eyeglasses or contact lenses.

2. Have a driving record that does not include any traffic accidents that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license.

3. Successfully complete a road test administered during nighttime hours.

At a minimum, all drivers renewing this license must meet the following requirements:

1. Successfully complete a road test administered during nighttime hours.

2. Have a driving record that does not include any traffic accidents that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license.

(h) Any driver issued a special restricted license as defined in subsection (g) whose privilege to drive during nighttime hours has been suspended due to an accident occurring during nighttime hours may request a hearing as provided in Section 2-118 of this Code to contest that suspension. If it is determined that the accident for which the driver was at fault was not influenced by the driver's use of vision aid arrangements other than standard eyeglasses or contact lenses, the Secretary may reinstate that driver's privilege to drive during nighttime hours.

(Source: P.A. 95-310, eff. 1-1-08; 95-382, eff. 8-23-07; 95-876, eff. 8-21-08.)

(625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

Sec. 6-203.1.

(a) The Secretary of State is authorized to suspend, for the period set forth in Section 6-208.1, the driving privileges and the Department of Natural Resources is authorized to suspend the snowmobile operating and watercraft operating privileges of persons arrested in another state for driving or operating a motor vehicle, snowmobile, or watercraft under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, or a similar provision, and who has refused to submit to a chemical test or tests under the provisions of implied consent.

(b) When ~~a driving privileges have privilege has~~ been suspended for a refusal as provided in paragraph (a) of this Section and the person is subsequently convicted of the underlying charge, for the same incident, any period served on suspension shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-206.

(c) When snowmobile and watercraft operating privileges have been suspended for refusal as provided in paragraph (a) of this Section and the person is subsequently convicted of the underlying charge, for the same incident, any period served on the suspension shall be credited toward the minimum period of revocation of snowmobile and watercraft operating privileges imposed pursuant to Section 6-208.3.

(Source: P.A. 96-607, eff. 8-24-09.)

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

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

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of driving, operating, or being in actual physical control of a vehicle, snowmobile, or watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of any offense defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;

11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;
 12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
 13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense;
 14. Violation of paragraph (a) of Section 11-506 of this Code or a similar provision of a local ordinance relating to the offense of street racing;
 15. A second or subsequent conviction of driving while the person's driver's license, permit or privileges was revoked for reckless homicide or a similar out-of-state offense.
- (b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:
1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;
 2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit;
 3. Of any person adjudicated under the Juvenile Court Act of 1987 based on an offense determined to have been committed in furtherance of the criminal activities of an organized gang as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The revocation shall remain in effect for the period determined by the court. ~~Upon the direction of the court, the Secretary shall issue the person a judicial driving permit, also known as a JDP. The JDP shall be subject to the same terms as a JDP issued under Section 6-206.1, except that the court may direct that a JDP issued under this subdivision (b)(3) be effective immediately.~~
- (c)(1) ~~Whenever~~ Whenever ~~Except as provided in subsection (c-5), whenever~~ a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to a medical facility for the receipt of necessary medical care or to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children living in the petitioner's household to and from daycare; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue the restricted driving permit. Those multiple offenders identified in subdivision (b)4 of Section 6-208 of this Code, however, shall not be eligible for the issuance of a restricted driving permit.
- (2) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not ~~drive operate~~ operate a motor vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.
- (3) A person, if issued a restricted driving permit, may not operate a motor vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1, if:
- (A) a person's license or permit is revoked or suspended 2 or more times within a 10 year period due to any combination of:
 - (i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

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

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

arising out of separate occurrences; or

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

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

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

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

(6) In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or any similar out-of-state offense, or any combination of these offenses, if the offense involved the use of a motor vehicle, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the petitioner to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(c-5) (Blank).

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

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

(d)(1) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State,

in his discretion, may reinstate the petitioner's driver's license and driving privileges, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each.

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

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

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

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

(C) a suspension pursuant to Section 6-203.1;

arising out of separate occurrences, that person, if issued a restricted driving permit, may not ~~drive operate~~ operate a motor vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

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

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

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

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

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

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

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

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

(i) (Blank).

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

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

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

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

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

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;
11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or a restricted driving permit issued under this Code;
12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;
13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;
14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;
15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;
16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;
17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;
18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;
19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;
20. Has been convicted of violating Section 6-104 relating to classification of driver's license;
21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;
22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection

(a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;
40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;
41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;
42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code;
43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, in which case the suspension shall be for a period of 3 months;
44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section; or
45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person.

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

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

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

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to ~~drive operate~~ a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while ~~driving operating~~ a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to ~~driving operating~~ a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while ~~driving operating~~ a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to ~~drive operate~~ a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

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

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

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to

receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare. Those multiple offenders identified in subdivision (b)4 of Section 6-208 of this Code, however, shall not be eligible for the issuance of a restricted driving permit.

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

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

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

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

(iii) a suspension under Section 6-203.1;

arising out of separate occurrences; that person, if issued a restricted driving permit, may not ~~drive~~ ~~operate~~ a motor vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

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

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

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or any similar out-of-state offense, or any combination of those offenses, if the offense involved the use of a motor vehicle, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

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

Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

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

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

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

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

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

(Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328, eff. 8-11-09; 96-607, eff. 8-24-09.)

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

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

(a) Unless the statutory summary suspension has been rescinded, any person whose ~~privileges~~ privilege to (1) drive a motor vehicle on the public highways, (2) operate a snowmobile in this State, or (3) operate a watercraft upon the waters of this State ~~have~~ has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

1. Twelve months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration, pursuant to Section 11-501.1; or

2. Six months from the effective date of the statutory summary suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, pursuant to Section 11-501.1; or

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

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

(b) Following a statutory summary suspension of the privilege to drive a motor vehicle, operate a snowmobile, and operate a watercraft under Section 11-501.1, ~~driving~~ privileges shall be restored unless the person is otherwise suspended, revoked, or cancelled by this Code. If the court has reason to believe that the person's ~~privileges~~ driving privilege should not be restored, the court shall notify the Secretary of State and Department of Natural Resources prior to the expiration of the statutory summary suspension so appropriate action may be taken pursuant to this Code.

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

(d) Where ~~a driving, snowmobile operating, and watercraft operating privileges have~~ privilege has been summarily suspended under Section 11-501.1 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on statutory summary suspension shall be credited toward the minimum period of revocation of driving, snowmobile operating, and watercraft operating privileges imposed pursuant to Section 6-205 or 6-208.3 of this Code.

(e) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court shall, unless the offender has opted in writing not to have a monitoring device driving permit issued, order the Secretary of State to issue a monitoring device driving permit as provided in Section 6-206.1. A monitoring device driving permit shall not be effective prior to the 31st day of the statutory summary suspension.

(f) (Blank).

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

(h) (Blank).

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

(625 ILCS 5/6-208.2)

Sec. 6-208.2. Restoration of driving, snowmobile operating, and watercraft operating privileges; persons under age 21.

(a) Unless the suspension based upon consumption of alcohol by a minor or refusal to submit to testing has been rescinded by the Secretary of State in accordance with subsection (e-6) or (e-8) of Section 11-501.8 ~~item (e)(3) of Section 6-206~~ of this Code, a person whose privileges privilege to (i) drive a motor vehicle on the public highways, (ii) operate a snowmobile in this State, and (iii) operate a watercraft upon the waters of this State ~~have~~ has been suspended under Section 11-501.8 is not eligible for restoration of the privileges privilege until the expiration of:

1. Six months from the effective date of the suspension for a refusal or failure to complete a test or tests to determine the alcohol concentration under Section 11-501.8;
2. Three months from the effective date of the suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration greater than 0.00 under Section 11-501.8;
3. Two years from the effective date of the suspension for a person who has been previously suspended under Section 11-501.8 and who refuses or fails to complete a test or tests to determine the alcohol concentration under Section 11-501.8; or
4. One year from the effective date of the suspension imposed for a person who has been previously suspended under Section 11-501.8 following submission to a chemical test that disclosed an alcohol concentration greater than 0.00 under Section 11-501.8.

(b) Following a suspension of privileges the privilege to drive a motor vehicle, operate a snowmobile, and operate a watercraft under Section 11-501.8, full driving privileges shall be restored unless the person is otherwise suspended, revoked, or cancelled ~~disqualified by law~~ this Code.

(c) Full driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record. The Secretary of State may also, as a condition of the reissuance of a driver's license or permit to an individual under the age of 18 years whose driving privileges have been suspended pursuant to Section 11-501.8, require the applicant to participate in a driver remedial education course and be retested under Section 6-109.

(d) Where a driving, snowmobile operating, and watercraft operating privileges have ~~privilege~~ has been suspended under Section 11-501.8 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on that suspension shall be credited toward the minimum period of revocation of driving, snowmobile operating, and watercraft operating privileges imposed under Section 6-205 or 6-208.3 of this Code.

(e) Following a suspension of driving privileges under Section 11-501.8 for a person who has not had his or her driving privileges previously suspended under that Section, the Secretary of State may issue a restricted driving permit after at least 30 days from the effective date of the suspension.

(f) Following a second or subsequent suspension of driving privileges under Section 11-501.8, the Secretary of State may issue a restricted driving permit after at least 12 months from the effective date of the suspension.

(g) (Blank).

(h) Any restricted driving permit considered under this Section is subject to the provisions of subsections (e-6) and (e-8) ~~item (e)~~ of Section 11-501.8.

(Source: P.A. 92-248, eff. 8-3-01.)

(625 ILCS 5/6-208.3 new)

Sec. 6-208.3. Special Provisions related to the operation of snowmobiles and watercraft.

(a) In addition to any criminal penalties imposed under this Chapter, the Department of Natural Resources shall revoke the snowmobile and watercraft privileges of a person convicted of Section 11-501, a similar provision of a local ordinance, or a similar out of state offense, as provided in the following paragraphs:

- (1) For a period of one year upon a first conviction;
- (2) For a period of five years upon a second conviction within 20 years;
- (3) For a period of ten years upon a third conviction; and
- (4) For life upon a fourth or subsequent conviction.

(b) The 20-year period in paragraph (2) of subsection (a) of this Section shall be computed by using the dates the offenses were committed.

(c) The Department of Natural Resources shall promulgate administrative rules regarding the standards and procedures that will govern the reinstatement of watercraft and snowmobile privileges.

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

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

(a) Except as otherwise provided in subsection (a-5), any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit issued prior to January 1, 2009, monitoring device driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

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

(b) (Blank).

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

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

(b-3) (Blank).

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

(b-5) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 30 consecutive days or 300 hours of community service when the person's driving privilege was revoked or suspended as a result of a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide, or a similar provision of a law of another state.

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

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

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of driving ~~operating~~ or being in actual physical control of a motor vehicle, snowmobile, or watercraft while under the influence of alcohol, any other drug or any combination thereof; or

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

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

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

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

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

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

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

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

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

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

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

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

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension under Section 11-501.1 of this Code.

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

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

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

out-of-state offense.

(d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension under Section 11-501.1 of this Code.

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

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

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

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

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

(625 ILCS 5/6-304.1) (from Ch. 95 1/2, par. 6-304.1)

Sec. 6-304.1. Permitting a person under the influence to drive or operate a motor vehicle, snowmobile, or watercraft.

(a) Permitting a driver under the influence to operate a motor vehicle. No person shall knowingly cause, authorize, or permit a motor vehicle owned by, or under the control of, such person to be driven or operated upon a highway by anyone who is under the influence of alcohol, any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or any other drugs, or combination thereof. This provision shall not apply to a spouse of the person who owns or has control of, or a co-owner of, a motor vehicle or to a bailee for hire.

(b) No person shall knowingly cause, authorize or permit a snowmobile or watercraft owned by, or under the control of, such person to be driven or operated within this State by anyone who is under the influence of alcohol, any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or any combination thereof. This provision shall not apply to a spouse of the person who owns or has control of, or a co-owner of, a snowmobile or watercraft.

(c) Any person convicted of violating this Section shall be guilty of a Class A misdemeanor.
(Source: P.A. 84-1394.)

(625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

Sec. 6-514. Commercial Driver's License (CDL) - Disqualifications.

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

(1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both, while driving a commercial motor vehicle or, if the driver is a CDL holder, while driving a non-CMV; or

(2) Driving ~~Operating~~ a commercial motor vehicle while the alcohol concentration of the person's blood,

breath or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a

controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence; or ~~driving~~ ~~operating~~ a non-commercial motor vehicle while the alcohol concentration of the person's blood, breath, or urine was above the legal limit defined in Section 11-501.1, 11-501.6, or 11-501.8 or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence while holding a commercial driver's license; or

(3) Conviction for a first violation of:

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

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

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

(iv) Driving a commercial motor vehicle while the person's driving privileges or driver's license or permit is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or

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

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

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

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

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

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

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

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

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

(g) After suspending, revoking, or cancelling a commercial driver's license, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CDL or commercial driver instruction permit from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

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

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

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code.

(2) For 2 years upon a second conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(4) For one year upon a first conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (3) of subsection (b) or (b-5).

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

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

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

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

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

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

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

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

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

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

(ii) Second violation. A driver must be disqualified from ~~driving~~ ~~operating~~ a commercial motor

vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from ~~driving~~ operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had 2 or more other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

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

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

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving or operating while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive, operate, or be in actual physical control of any vehicle, snowmobile, or watercraft within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving a vehicle, operating a snowmobile, or operating a watercraft safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of ~~safely~~ driving a vehicle, operating a snowmobile, or operating a watercraft safely;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of ~~safely~~ driving a vehicle, operating a snowmobile, or operating a watercraft safely; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Penalties.

(1) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(2) A person who violates subsection (a) or a similar provision a second time shall be sentenced to a mandatory minimum term of either 5 days of imprisonment or 240 hours of community service in addition to any other criminal or administrative sanction.

(3) A person who violates subsection (a) is subject to 6 months of imprisonment, an additional mandatory minimum fine of \$1,000, and 25 days of community service in a program benefiting children if the person was transporting a person under the age of 16 at the time of the violation.

(4) A person who violates subsection (a) a first time, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of \$500.

(5) A person who violates subsection (a) a second time, if at the time of the second violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory

minimum fine of \$1,250.

(d) Aggravated driving or operating under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof.

(1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving or operating under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle, snowmobile, or watercraft accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm;

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;

(G) the person committed a violation of subsection (a) during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a) or a similar provision, Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961;

(H) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit or a monitoring device driving permit as required by law;

(I) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy;

(J) the person in committing a violation of subsection (a) was involved in a motor vehicle, snowmobile, or watercraft accident that resulted in bodily harm, but not great bodily harm, to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury; or

(K) the person in committing a second violation of subsection (a) or a similar provision was transporting a person under the age of 16.

(2)(A) Except as provided otherwise, a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony.

(B) A third violation of this Section or a similar provision is a Class 2 felony. If at the time of the third violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of \$2,500 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the third violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(C) A fourth violation of this Section or a similar provision is a Class 2 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000

shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fourth violation, the defendant was transporting a person under the age of 16 a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(D) A fifth violation of this Section or a similar provision is a Class 1 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fifth violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(E) A sixth or subsequent violation of this Section or similar provision is a Class X felony. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(F) For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

(G) A violation of subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to: (i) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (ii) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons.

(H) For a violation of subparagraph (J) of paragraph (1) of this subsection (d), a mandatory fine of \$2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(I) A violation of subparagraph (K) of paragraph (1) of this subsection (d), is a Class 2 felony and a mandatory fine of \$2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. If the child being transported suffered bodily harm, but not great bodily harm, in a motor vehicle, snowmobile, or watercraft accident, and the violation was the proximate cause of that injury, a mandatory fine of \$5,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(J) A violation of subparagraph (D) of paragraph (1) of this subsection (d) is a Class 3 felony, for which a sentence of probation or conditional discharge may not be imposed.

(3) Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge in addition to any other criminal or administrative sanction.

(e) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection (a) of this Section.

(f) The imposition of a mandatory term of imprisonment or assignment of community service for a violation of this Section shall not be suspended or reduced by the court.

(g) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

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

(Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08; 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

(625 ILCS 5/11-501.01)

Sec. 11-501.01. Additional administrative sanctions.

(a) After a finding of guilt and prior to any final sentencing or an order for supervision, for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(b) Any person who is found guilty of or pleads guilty to violating Section 11-501, including any person receiving a disposition of court supervision for violating that Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a county State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(c) Every person found guilty of violating Section 11-501, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of that Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (i) of this Section.

(d) ~~(Blank). The Secretary of State shall revoke the driving privileges of any person convicted under Section 11-501 or a similar provision of a local ordinance.~~

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

(f) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating Section 11-501, including any person placed on court supervision for violating Section 11-501, shall be assessed \$500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest, and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating Section 11-501 or a similar provision of a local ordinance, the fine shall be \$1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (f) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (f) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(g) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (f) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(h) Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(i) In addition to any other fine or penalty required by law, an individual convicted of a violation of Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act prior to the effective date of this amendatory Act of the 96th General Assembly, Section 5-16 of the Boat Registration and Safety Act prior to the effective date of this amendatory Act of the 96th General Assembly, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of Section 11-501,

Section 5-7 of the Snowmobile Registration and Safety Act prior to the effective date of this amendatory Act of the 96th General Assembly, Section 5-16 of the Boat Registration and Safety Act prior to the effective date of this amendatory Act of the 96th General Assembly, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed \$1,000 per public agency for each emergency response. As used in this subsection (i), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09.)

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

Sec. 11-501.1. Suspension of drivers license, snowmobile operating privileges, and watercraft operating privileges; statutory summary ~~alcohol, other drug or drugs, or intoxicating compound or compounds related~~ suspension; implied consent.

(a) Any person who (1) drives or is in actual physical control of a motor vehicle upon the public highways of this State, (2) operates or is in actual physical control of a snowmobile in this State, or (3) operates or is in actual physical control of any watercraft upon the waters of this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2, to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket or Illinois Conservation Citation and Complaint, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401.

(1) The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(2) For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a Uniform Traffic Ticket or Illinois Conservation Citation and Complaint for an offense as defined in Section 11-501 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the Uniform Traffic Ticket or Illinois Conservation Citation and Complaint shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the Uniform Traffic Ticket or Illinois Conservation Citation and Complaint with the Circuit Clerk of the county where the offense was committed, and shall seek the issuance of an arrest warrant or a summons for the person.

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered, subject to the provisions of Section 11-501.2.

(c) A person requested to submit to a test as provided above who was driving or in actual physical control of a motor vehicle on the public highways shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test or if the person submits to a test or tests provided in paragraph (a) of this Section that discloses an alcohol concentration in the person's blood or breath of 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood or urine will result in the statutory summary suspension of the person's privilege to drive operate a motor vehicle, operate a snowmobile, and operate a watercraft, as provided in Section 6-208.1 of this Code, and will also result in the disqualification of the person's privilege to drive operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. ~~The person shall also be warned by the law enforcement officer that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use~~

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

(c-2) A person requested to submit to a test as provided above who was operating a snowmobile or watercraft on public property shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test or if the person submits to the test or tests provided in paragraph (a) of this Section that discloses an alcohol concentration in the person's blood or breath of 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood or urine will result in the statutory summary suspension of the person's privilege to drive a motor vehicle, operate a snowmobile, and operate a watercraft as provided in Section 6-208.1 of this Code.

(c-4) A person requested to submit to a test as provided above who was operating a snowmobile or watercraft on private property shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test or if the person submits to the test or tests provided in paragraph (a) of this Section that discloses an alcohol concentration of the person's blood or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood or urine will result in the statutory summary suspension of the person's privilege to operate a snowmobile and watercraft as provided in Section 6-208.1 of this Code.

(c-6) A person who is under the age of 21 at the time the person is requested to submit to a test as provided above shall, in addition to the warnings provided for in this Section, be further warned by the law enforcement officer requesting the test that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood or breath is greater than 0.00 and less than 0.08, a suspension of the person's privilege to ~~drive operate~~ a motor vehicle, operate a snowmobile, and operate a watercraft, as provided under Sections 6-208.2 and 11-501.8 of this Code, will be imposed.

(c-8) The results of a ~~this~~ test administered under this Section shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as defined in Section 11-501 of this Code or a similar provision of a local ordinance or pursuant to Section 11-501.4 in prosecutions for reckless homicide brought under the Criminal Code of 1961. These test results, however, shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made.

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

(e) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d), the Secretary of State shall enter the statutory summary suspension and, if applicable, disqualification of driving privileges if the sworn reports indicates the offense occurred on public property, and the Department of Natural Resources shall enter the statutory summary suspension of snowmobile and watercraft privileges for the periods specified in Sections 6-208.1 and 6-514, respectively, and effective as provided in paragraph (g). Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d) indicating the offense took place on private property, the Secretary of State shall not enter a statutory summary suspension of driving privileges, but the Department of Natural Resources shall enter the statutory summary suspension of snowmobile and watercraft operating privileges for the period of time specified in Section 6-208.1.

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

(f) The law enforcement officer submitting the sworn report under paragraph (d) shall serve immediate notice of the statutory summary suspension on the person and the suspension and, if applicable, disqualification shall be effective as provided in paragraph (g). In cases where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his address as shown on the Uniform Traffic Ticket or Illinois Conservation Citation and Complaint and the statutory summary suspension and, if applicable, disqualification shall begin as provided in paragraph (g). The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow that person to drive during the periods provided for in paragraph (g). The officer shall immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in paragraph (d).

(g) The statutory summary suspension and, if applicable, disqualification referred to in this Section shall take effect on the 46th day following the date the notice of the statutory summary suspension was given to the person.

(h) To provide notice to the court and the person as to whether the person is a first offender, the ~~The~~ following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

Upon receipt of the sworn report from the law enforcement officer indicating the offense took place on public property, the Secretary of State shall confirm the statutory summary suspension of driving, snowmobile operating, and watercraft operating privileges by mailing a notice of the effective date of the suspension to the person, the Department of Natural Resources, and the court of venue. If applicable, the ~~The~~ Secretary of State shall also mail notice of the effective date of the disqualification to the person. If the sworn report from the law enforcement officer indicates the offense took place on private property, the Department of Natural Resources shall confirm the statutory summary suspension of snowmobile and watercraft privileges by mailing a notice of the effective date of the suspension to the person and court of venue. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect. The issuing law enforcement agency may cure a sworn report returned as defective by either completing a new sworn report or amending the defective report. The law enforcement officer shall give notice of the new or amended sworn report to the person by personal service or by depositing a copy of the new or amended sworn report in the United States mail with postage prepaid and addressed to such person at his address as shown on the Uniform Traffic Ticket or Illinois Conservation Citation and Complaint. The suspension and, if applicable, disqualification shall be effective on the 46th day following the date notice was given.

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

(625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

Sec. 11-501.2. Chemical and other tests.

(a) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as

defined in Section 11-501 or a similar local ordinance or proceedings pursuant to Section 2-118.1, evidence of the concentration of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply:

1. Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this Section shall have been performed according to standards promulgated by the Department of State Police by a licensed physician, registered nurse, trained phlebotomist, certified paramedic, or other individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, to issue permits which shall be subject to termination or revocation at the discretion of that Department and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary to implement this Section.

2. When a person in this State shall submit to a blood test at the request of a law enforcement officer under the provisions of Section 11-501.1, only a physician authorized to practice medicine, a registered nurse, trained phlebotomist, or certified paramedic, or other qualified person approved by the Department of State Police may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath or urine specimens.

When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic. The law enforcement officer requesting the test shall take custody of the blood sample, and the blood sample shall be analyzed by a laboratory certified by the Department of State Police for that purpose.

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

4. Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or such person's attorney.

5. Alcohol concentration shall mean either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving, operating, or in actual physical control of a vehicle, snowmobile, or watercraft while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol.

2. If there was at that time an alcohol concentration in excess of 0.05 but less than 0.08, such facts shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

3. If there was at that time an alcohol concentration of 0.08 or more, it shall be presumed that the person was under the influence of alcohol.

4. The foregoing provisions of this Section shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(c) 1. If a person under arrest refuses to submit to a chemical test under the provisions of Section 11-501.1, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof was driving, operating, or in actual physical control of a motor vehicle, snowmobile, or watercraft.

2. Notwithstanding any ability to refuse under this Code to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a motor vehicle, snowmobile, or watercraft driven or operated by or in actual physical control of a person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof has caused the death or personal injury to another, that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath or urine for the purpose of determining the alcohol content thereof or the presence of any other drug or combination of both.

This provision does not affect the applicability of or imposition of driver's license, snowmobile operating, or watercraft operating sanctions under Section 11-501.1 of this Code.

3. For purposes of this Section, a personal injury includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 96-289, eff. 8-11-09.)

(625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

Sec. 11-501.5. Preliminary Breath Screening Test.

(a) If a law enforcement officer has reasonable suspicion to believe that a person is violating or has violated Section 11-501 or a similar provision of a local ordinance, the officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Department of State Police. The person may refuse the test. The results of this preliminary breath screening test may be used by the law enforcement officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under Sections 11-501.1 and 11-501.2, and the appropriate type of test to request. Any chemical test authorized under Sections 11-501.1 and 11-501.2 may be requested by the officer regardless of the result of the preliminary breath screening test, if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of Section 11-501 or 11-501.1.

(b) ~~(Blank). The Department of State Police shall create a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as a noninvasive technique to detect and measure possible impairment of any person who drives or is in actual physical control of a motor vehicle resulting from the suspected usage of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof. This technology shall also be used to detect fatigue levels of the operator of a Commercial Motor Vehicle as defined in Section 6-500(6), pursuant to Section 18b-105 (Part 395 Hours of Service of Drivers) of the Illinois Vehicle Code. A State Police officer may request that the operator of a commercial motor vehicle have his or her eyes examined or tested with a pupillometer device. The person may refuse the examination or test. The State Police officer shall have the device readily available to limit undue delays.~~

~~If a State Police officer has reasonable suspicion to believe that a person is violating or has violated Section 11-501, the officer may use the pupillometer technology, when available. The officer, prior to an arrest, may request the person to have his or her eyes examined or tested with a pupillometer device. The person may refuse the examination or test. The results of this examination or test may be used by the officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under Sections 11-501.1 and 11-501.2 and the appropriate type of test to request. Any chemical test authorized under Sections 11-501.1 and 11-501.2 may be requested by the officer regardless of the result of the pupillometer examination or test, if probable cause for an arrest exists. The result of the examination or test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of 11-501 or 11-501.1.~~

~~The pilot program shall last for a period of 18 months and involve the testing of 15 pupillometer devices. Within 90 days of the completion of the pilot project, the Department of State Police shall file a report with the President of the Senate and Speaker of the House evaluating the project.~~

(Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00; 92-16, eff. 6-28-01.)

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

Sec. 11-501.6. Driver or operator involvement in personal injury or fatal motor vehicle, snowmobile, or watercraft accident - chemical test.

(a) Any person who (1) drives or is in actual physical control of a motor vehicle upon the public

highways of this State . (2) operates or is in actual physical control of a snowmobile in this State, or (3) operates or is in actual physical control of a watercraft upon the waters of this State, and who has been involved in a personal injury or fatal motor vehicle, snowmobile, or watercraft accident, shall be deemed to have given consent to a breath test using a portable device as approved by the Department of State Police or to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds of such person's blood if arrested as evidenced by the issuance of a Uniform Traffic Ticket or Illinois Conservation Citation and Complaint for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, with the exception of equipment violations contained in Chapter 12 of this Code, any violation of Article V of the Illinois Snowmobile Registration and Safety Act, or any violation of Article V of the Illinois Boat Registration and Safety Act or similar provisions of local ordinances. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered. Compliance with this Section does not relieve such person from the requirements of Section 11-501.1 of this Code.

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

(c) A person requested to submit to a test as provided above, who was driving or in actual physical control a motor vehicle on the public highways, shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis, as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in such person's blood or urine, may result in the suspension of such person's privilege to drive operate a motor vehicle, operate a snowmobile, and operate a watercraft and may result in the disqualification of the person's privilege to drive operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The length of the suspension shall be the same as outlined in Section 6-208.1 of this Code regarding statutory summary suspensions.

(c-3) A person requested to submit to a test as provided above, who was operating a snowmobile or watercraft on public property, shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis, as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in such person's blood or urine, may result in the suspension of such person's privilege to drive a motor vehicle, operate a snowmobile, and operate a watercraft. The length of the suspension shall be the same as outlined in Section 6-208.1 of this Code regarding statutory summary suspensions.

(c-6) A person requested to submit to a test as provided above, who was operating a snowmobile or watercraft on private property, shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis, as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in such person's blood or urine, may result in the suspension of such person's privilege to operate a snowmobile and watercraft. The length of the suspension shall be the same as outlined in Section 6-208.1 of this Code regarding statutory summary suspensions.

(d)(1) If the person refuses testing or submits to a test which discloses an alcohol concentration of 0.08

or more, or any amount of a drug, substance, or intoxicating compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State and Department of Natural Resources on a form prescribed by the Secretary, certifying that the test or tests were requested pursuant to subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's blood or urine, resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(2) Upon receipt of the sworn report of a law enforcement officer, the Secretary shall enter the suspension and, if applicable, disqualification of driving privileges if the sworn report indicates the offense occurred on public property, to the individual's driving record and the Department of Natural Resources shall enter the suspension of snowmobile and watercraft privileges and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person.

(3) Upon receipt of the sworn report of a law enforcement officer that indicates the offense took place on private property, the Secretary of State shall not enter a suspension or disqualification of driving privileges, and the Department of Natural Resources shall enter the suspension of snowmobile and watercraft operating privileges.

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

(5) In cases where the blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to such person at his address as shown on the Uniform Traffic Ticket or Illinois Conservation Citation and Complaint and the suspension and, if applicable, disqualification shall be effective on the 46th day following the date notice was given.

(6) Upon receipt of the sworn report of a law enforcement officer indicating the offense occurred on public property, the Secretary shall also give notice of the suspension of driving, snowmobile operating, and watercraft operating privileges and, if applicable, disqualification to the driver by mailing a notice of the effective date of the suspension and disqualification to the individual. If the sworn report indicates the offense occurred on private property, the Department of Natural Resources shall give notice of the suspension of snowmobile and watercraft operating privileges. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency. The issuing law enforcement agency may cure a sworn report returned as defective by either completing a new sworn report or amending the defective report. The law enforcement officer shall give notice of the new or amended sworn report to the person by personal service or by depositing a copy of the new or amended sworn report in the United States mail with postage prepaid and addressed to such person at his address as shown on the Uniform Traffic Ticket or Illinois Conservation Citation and Complaint. The suspension and, if applicable, disqualification, shall be effective on the 46th day following the date notice was given.

(e) If the person was driving a motor vehicle when involved in an accident resulting in personal injury or fatality, the person A driver may contest this suspension of his or her driving, snowmobile operating, and watercraft operating privileges and disqualification of his or her CDL privileges by requesting an administrative hearing with the Secretary in accordance with Section 2-118 of this Code. At the conclusion of a hearing held under Section 2-118 of this Code, the Secretary may rescind, continue, or modify the orders of suspension and disqualification. If rescission is granted, driving, snowmobile operating, and watercraft operating privileges shall be restored. The Secretary shall notify the Department of Natural Resources if the suspension and disqualification are rescinded. If the Secretary does not rescind the orders

of suspension and disqualification, a restricted driving permit to drive a motor vehicle may be granted by the Secretary upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship in accordance with ~~to allow driving for employment, educational, and medical purposes as outlined in~~ Section 6-206 of this Code. ~~The provisions of Section 6-206 of this Code shall apply.~~ In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit to drive ~~for the operation of~~ a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified.

(e-5) If the person was operating a snowmobile or watercraft when involved in an accident resulting in personal injury or fatality, that person may contest this suspension of his or her driving, snowmobile operating, and watercraft operating privileges by requesting an administrative hearing with the Department of Natural Resources. The Department of Natural Resources shall have all authority provided for in Section 2-118 of this Code when conducting these hearings. At the conclusion of a hearing, the Department of Natural Resources may rescind, continue or modify the order of suspension. If rescission is granted, driving, snowmobile operating, and watercraft operating privileges shall be restored. The Department of Natural Resources shall notify the Secretary if the suspension is rescinded. If the Department of Natural Resources does not rescind the order of suspension and the person wishes to apply for a restricted driving permit to drive a motor vehicle, the person must make such application to the Secretary of State. A restricted driving permit may be granted to relieve undue hardship in accordance with Section 6-206 of this Code. In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified.

(f) (Blank).

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

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

(625 ILCS 5/11-501.8)

Sec. 11-501.8. Suspension of driver's license, snowmobile operating privileges, and watercraft operating privileges; persons under age 21.

(a) A person who is less than 21 years of age and who (1) drives or is in actual physical control of a motor vehicle upon the public highways of this State, (2) operates or is in actual physical control of a snowmobile in this State, or (3) operates or is in actual physical control of a watercraft upon the waters of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket or an Illinois Conservation Citation and Complaint for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver or operator has consumed any amount of an alcoholic beverage based upon evidence of the driver's or operator's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

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

~~(i) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under the provisions of this Section, shall have been performed according to standards promulgated by the Department of State Police by an individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, to issue permits that shall be subject to termination or revocation at the direction of that Department, and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary.~~

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

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

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

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

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

(b-5) Chemical analysis of the person's blood, urine, breath or bodily substance shall be conducted in accordance with Section 11-501.2 of this Code.

(c) A person requested to submit to a test as provided above who was driving or in actual physical control a motor vehicle on public property shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to ~~drive operate~~ a motor vehicle, ~~operate a snowmobile, and operate a watercraft~~ and may result in the disqualification of the person's privilege to ~~drive operate~~ a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The loss of driving, ~~snowmobile operating, and watercraft operating~~ privileges shall be imposed in accordance with Section 6-208.2 of this Code.

(c-3) A person requested to submit to a test as provided above who was operating a snowmobile or watercraft on public property shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to drive a motor vehicle, operate a snowmobile, and operate a watercraft. The loss of driving, snowmobile operating, and watercraft operating privileges shall be imposed in accordance with Section 6-208.2 of this Code.

(c-6) A person requested to submit to a test as provided above who was operating a snowmobile or watercraft on private property shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to operate a snowmobile and watercraft. The loss of snowmobile and watercraft operating privileges shall be imposed in accordance with Section 6-208.2 of this Code.

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

(2) Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the suspension of driving privileges and, if applicable, disqualification, if the offense occurred on public property, on the individual's driving record, and the Department of Natural Resources shall enter the suspension of snowmobile and watercraft operating privileges and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person. If this suspension is the individual's first driver's license suspension under this Section, reports received by the Secretary of State and Department of Natural Resources under this Section shall, except during the time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the Secretary of State, the Department of Natural Resources, or the individual personally. However, beginning January 1, 2008, if the person is a CDL holder, the report of suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request. Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian

of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the suspension is in effect.

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

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

(5) Upon receipt of the sworn report of a law enforcement officer indicating the offense occurred on public property, the Secretary of State shall ~~also~~ give notice of the suspension and , if applicable, disqualification of snowmobile and watercraft operating privileges to the driver by mailing a notice of the effective date of the suspension and disqualification to the individual. If the sworn report indicates the offense occurred on private property, the Department of Natural Resources shall give notice to the driver of the suspension of snowmobile and watercraft operating privileges. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency. The issuing law enforcement agency may cure a sworn report returned as effective by either completing a new sworn report or amending the defective report. The law enforcement officer shall give notice of the new or amended sworn report to the person by personal service or by depositing a copy of the new or amended sworn report in the United States mail with postage prepaid and addressed to such person at his address as shown on the Uniform Traffic Ticket or Illinois Conservation Citation and Complaint. The suspension and, if applicable, disqualification shall be effective on the 46th day following the date notice was given.

(e) If the person was operating a motor vehicle, the person ~~A driver~~ may contest this suspension and disqualification of driving privileges and the suspension of snowmobile and watercraft operating privileges by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension.

(e-2) If the person was operating a snowmobile or watercraft, the person may contest the suspension of driving, snowmobile operating, and watercraft operating privileges by requesting an administrative hearing with the Department of Natural Resources. The Department of Natural Resources shall have all authority provided for in Section 2-118 of this Code when conducting of these hearings. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for hearing shall not stay or delay the effective date of the impending suspension.

(e-4) The scope of this hearing shall be limited to the issues of:

(1) whether the police officer had probable cause to believe that the person was driving , operating, or in actual physical control of (1) a motor vehicle upon the public highways of the State, (2) a snowmobile in this State, or (3) a watercraft upon the waters of this State and the police officer had reason to believe that the person was in violation of any provision of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(2) whether the person was issued a Uniform Traffic Ticket or an Illinois Conservation Citation and Complaint for any violation of the

Illinois Vehicle Code or a similar provision of a local ordinance; and

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

(4) whether the person, after being advised by the officer that the privilege to drive operate a

motor vehicle, operate a snowmobile, and operate a watercraft would be suspended if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

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

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

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

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

(e-8) At the conclusion of the hearing before Department of Natural Resources held under Section 2-118 of this Code, the Department of Natural Resources may rescind, continue, or modify the suspension. If rescission is granted, driving, snowmobile operating, and watercraft operating privileges shall be restored. The Department of Natural Resources shall notify the Secretary of State of any rescission. If the Department of Natural Resources does not rescind the suspension and the person wishes to apply for a restricted driving permit to drive a motor vehicle, the person must make such application to the Secretary of State. A restricted driving permit may be granted to relieve undue hardship in accordance with Section 6-206 of this Code. In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit to drive a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled or disqualified.

(e-10) The Secretary of State shall promulgate rules providing for participation in an alcohol education and awareness program or activity, a drug education and awareness program or activity, or both as a condition to the issuance of a restricted driving permit for suspensions imposed under this Section.

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

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

(h) The action of the Secretary of State or Department of Natural Resources in suspending, revoking, cancelling, or disqualifying any license, privilege, or permit shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County or in the Circuit Court of Jefferson County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State and Department of Natural Resources under this Section.

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

Section 10. The Snowmobile Registration and Safety Act is amended by changing Sections 2-2, 5-7.3, 10-1, and 10-2 as follows:

(625 ILCS 40/2-2) (from Ch. 95 1/2, par. 602-2)

Sec. 2-2. Inspection; seizure; impoundment.

(a) Agents of the Department or other duly authorized police officers may stop and inspect any

snowmobile at any time for the purpose of determining if the provisions of this Act are being complied with. If the inspecting officer or agent discovers any violation of the provisions of this Act, he must issue a summons to the operator of such snowmobile requiring that the operator appear before the circuit court for the county within which the offense was committed.

(b) Every snowmobile subject to this Act, if under way and upon being hailed by a designated law enforcement officer, must stop immediately.

(c) Agents of the Department and other duly authorized police officers may seize and impound, at the owner's expense, any snowmobile involved in an accident or a violation of subsection B of Section 5-1 or of Section 11-501 of the Illinois Vehicle Code ~~5-7 of this Act~~.

(d) If a snowmobile is causing a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of subsection B of Section 5-1 or Section 11-501 of the Illinois Vehicle Code ~~5-7 of this Act~~ or similar provision of a local ordinance, is likely, upon release, to commit a subsequent violation of subsection B of Section 5-1 or 11-501 of the Illinois Vehicle Code ~~Section 5-7~~ or a similar provision of a local ordinance, the arresting officer shall have the snowmobile which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of the arrest. The snowmobile may be released by the arresting law enforcement agency without impoundment, or may be released prior to the end of the impoundment period, however, if:

(1) the snowmobile was not owned by the person under arrest, and the lawful owner requesting release of the snowmobile possesses proof of ownership, and would not, as determined by the arresting law enforcement agency: (i) indicate a lack of ability to operate a snowmobile in a safe manner, or (ii) otherwise, by operating the snowmobile, be in violation of this Act; or

(2) the snowmobile is owned by the person under arrest, and the person under arrest gives permission to another person to operate the snowmobile, and the other person would not, as determined by the arresting law enforcement agency: (i) indicate a lack of ability to operate a snowmobile in a safe manner, or (ii) otherwise, by operating the snowmobile, be in violation of this Act.

(f) Whenever a registered owner of a snowmobile is taken into custody for operating the snowmobile in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a law enforcement officer may have the snowmobile immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) 48 hours for a third violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The snowmobile may be released sooner if the snowmobile is owned by the person under arrest and the person under arrest gives permission to another person to operate the snowmobile and that other person possesses valid snowmobile privileges and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a snowmobile in a safe manner or would otherwise, by operating the snowmobile, be in violation of the Illinois Vehicle Code or this Act.

(Source: P.A. 93-156, eff. 1-1-04.)

(625 ILCS 40/10-1) (from Ch. 95 1/2, par. 610-1)

Sec. 10-1. Violations.

(a) Except as otherwise provided in this Act, a person who violates any of the provisions of this Act is guilty of a Class C misdemeanor.

(b) A person who violates subsection (B) of Section 5-1 of this Act is guilty of a Class B misdemeanor.

(c) A person who violates Section 2-4 ~~or Section 5-7.3~~ of this Act is guilty of a Class A misdemeanor.

(Source: P.A. 89-55, eff. 1-1-96.)

(625 ILCS 40/10-2)

Sec. 10-2. Denial of operating privilege. A person who is convicted of a violation of subsection (B) of Section 5-1 ~~or Section 5-7~~ of this Act, in addition to other penalties authorized in this Act, may in the discretion of the court be refused the privilege to operate a snowmobile in this State for a period of one year or more.

(Source: P.A. 89-55, eff. 1-1-96.)

Section 20. The Boat Registration and Safety Act is amended by changing Sections 2-2 and 5-22 as follows:

(625 ILCS 45/2-2) (from Ch. 95 1/2, par. 312-2)

Sec. 2-2. Inspection; removal; impoundment.

(a) Agents of the Department or other duly authorized police officers may board and inspect any boat at any time for the purpose of determining if this Act is being complied with. If the boarding officer or agent discovers any violation of this Act, he may issue a summons to the operator of the boat requiring that the operator appear before the circuit court for the county within which the offense was committed.

(b) Every vessel subject to this Act, if under way and upon being hailed by a designated law enforcement officer, must stop immediately and lay to.

(c) Agents of the Department and other duly authorized police officers may enforce all federal laws and regulations which have been mutually agreed upon by the federal and state governments and are applicable to the operation of watercraft on navigable waters and federal impoundments where concurrent jurisdiction exists between the federal and state governments.

(d) Agents of the Department and other duly authorized police officers may seize and impound, at the owner's or operator's expense, any watercraft involved in a boating accident or a violation of Section 3A-21, 5-1, or 5-2, ~~or 5-16~~ of this Act or Section 11-501 of the Illinois Vehicle Code while operating a watercraft.

(e) If a watercraft is causing a traffic hazard because of its position on a waterway or its physical appearance is causing the impeding of traffic, its immediate removal from the waterway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(f) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 5-1, or 5-2 ~~or 5-16~~ of this Act, Section 11-501 of the Illinois Vehicle Code, or similar provision of a local ordinance, is likely, upon release, to commit a subsequent violation of Section 5-1 or 5-2 of this Act, Section 11-501 of the Illinois Vehicle Code, ~~or 5-16~~ or a similar provision of a local ordinance, the arresting officer shall have the watercraft which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of the arrest. The watercraft may be released by the arresting law enforcement agency without impoundment, or may be released prior to the end of the impoundment period, however, if:

(1) the watercraft was not owned by the person under arrest, and the lawful owner requesting release possesses proof of ownership, and would not, as determined by the arresting law enforcement agency: (i) indicate a lack of ability to operate a watercraft in a safe manner, or (ii) otherwise, by operating the watercraft, be in violation of this Act; or

(2) the watercraft is owned by the person under arrest, and the person under arrest gives permission to another person to operate the watercraft, and the other person would not, as determined by the arresting law enforcement agency: (i) indicate a lack of ability to operate a watercraft in a safe manner, or (ii) otherwise, by operating the watercraft, be in violation of this Act.

(g) Whenever a registered owner of a watercraft is taken into custody for operating the watercraft in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a law enforcement officer may have the watercraft immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) 48 hours for a third violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The watercraft may be released sooner if the watercraft is owned by the person under arrest and the person under arrest gives permission to another person to operate the watercraft and that other person possesses valid watercraft privileges and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a watercraft in a safe manner or would otherwise, by operating the watercraft, be in violation of the Illinois Vehicle Code or this Act.

(Source: P.A. 93-156, eff. 1-1-04.)

(625 ILCS 45/5-22)

Sec. 5-22. Operation of watercraft upon the approach of an authorized emergency watercraft.

(a) As used in this Section, "authorized emergency watercraft" includes any watercraft operated by the Illinois Department of Natural Resources Police, the Illinois Department of State Police, a county sheriff, a local law enforcement agency, a fire department, a provider of emergency medical services, or the United States Coast Guard, equipped with alternately flashing red, red and white, red and blue, or red in combination with white or blue lights, while engaged in official duties. Any authorized emergency watercraft must be clearly emblazoned with markings identifying it as a watercraft operated by the qualifying agency.

(b) Upon the immediate approach of an authorized emergency watercraft making use of rotating or flashing visual signals and lawfully making use of a visual signal, the operator of every other watercraft shall yield the right-of-way and shall immediately reduce the speed of the watercraft, so as not to create a wake, and shall yield way to the emergency watercraft, moving to the right to permit the safe passage of the emergency watercraft, and shall stop and remain in that position until the authorized emergency watercraft has passed, unless otherwise directed by a police officer.

(c) Upon approaching a stationary authorized emergency watercraft, when the authorized emergency watercraft is giving a signal by displaying rotating or alternately flashing red, red and white, red and blue, or red in combination with white or blue lights, a person operating an approaching watercraft shall proceed with due caution at no-wake speed and yield the right-of-way by moving safely away from that authorized emergency watercraft, proceeding with due caution at a no-wake speed with due regard to safety and water conditions, maintaining no-wake speed until sufficiently away from the emergency watercraft so as not to create a wake that would otherwise rock or otherwise disturb the authorized emergency watercraft.

(d) This Section shall not operate to relieve the operator of an authorized emergency watercraft from the duty to operate that watercraft with due regard for the safety of all persons using the waterway.

(e) A person who violates this Section commits a business offense punishable by a fine of not less than \$100 or more than \$10,000. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of the Illinois Vehicle Code while operating a watercraft ~~5-16 of this Act.~~

(f) If a violation of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's watercraft operating privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(g) If a violation of this Section results in injury to another person, in addition to any other penalty imposed, the person's watercraft operating privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(h) If a violation of subsection (c) of this Section results in great bodily harm or permanent disability or disfigurement to, or the death of, another person, in addition to any other penalty imposed, the person's watercraft operating privileges shall be suspended for 2 years.

(i) The Department of Natural Resources shall, upon receiving a record of a judgment entered against a person under this Section:

- (1) suspend the person's watercraft operating privileges for the mandatory period; or
- (2) extend the period of an existing suspension by the appropriate mandatory period.

(Source: P.A. 95-107, eff. 1-1-08.)

Section 30. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) (Blank-) _

(b) (Blank-) _

~~(10) If the defendant is convicted of arson, aggravated arson, residential arson, or place of worship arson, an order directing the offender to reimburse the local emergency response department for the costs of responding to the fire that the offender was convicted of setting in accordance with the Emergency Services Response Reimbursement for Criminal Convictions Act.~~

(c) (1) (Blank-) _

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1), (c)(1.5), or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin, cocaine, fentanyl, or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony, including any state or federal conviction for an offense that contained, at the time it was committed, the same elements as an offense now (the date of the offense committed after the prior Class 2 or greater felony) classified as a Class 2 or greater felony, within 10 years of the date on which

the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(U) A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(V) A violation of paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961.

(W) A violation of Section 24-3.5 of the Criminal Code of 1961.

(X) A violation of subsection (a) of Section 31-1a of the Criminal Code of 1961.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraphs (4.3) and (4.8) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraphs (4.5), (4.6), and (4.9) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) Except as provided in paragraph (4.10) of this subsection (c), a minimum term of

imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.7) A minimum term of imprisonment of not less than 30 consecutive days, or 300 hours of community service, shall be imposed for a violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (b-5) of that Section.

(4.8) A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.

(4.9) A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(4.10) A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-3.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(5) The court may sentence a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any other penalties imposed, and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any other penalties imposed, and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any other penalties imposed, a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of \$100.

(5.5) In addition to any other penalties imposed, a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of \$100.

(6) (Blank-) ;

(7) (Blank-) ;

(8) (Blank-) ;

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of \$1,000 for a first offense and \$2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) ~~(Blank). A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.~~

(13) A person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery may be required to attend a Partner Abuse Intervention Program under protocols set forth by the Illinois Department of Human Services under such terms and conditions imposed by the court. The costs of such classes shall be paid by the offender.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) (Blank-) _

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if

requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during

the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) (Blank-) .

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08; 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff. 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; revised 9-4-09.)

(625 ILCS 40/5-7 rep.) (625 ILCS 40/5-7.1 rep.) (625 ILCS 40/5-7.2 rep.) (625 ILCS 40/5-7.3 rep.) (625 ILCS 40/5-7.4 rep.) (625 ILCS 40/5-7.5 rep.) (625 ILCS 40/5-7.6 rep.)

Section 35. The Snowmobile Registration and Safety Act is amended by repealing Sections 5-7, 5-7.1, 5-7.2, 5-7.3, 5-7.4, 5-7.5, and 5-7.6.

(625 ILCS 45/5-16 rep.) (625 ILCS 45/5-16a rep.) (625 ILCS 45/5-16a.1 rep.) (625 ILCS 45/5-16b rep.)

Section 40. The Boat Registration and Safety Act is amended by repealing Sections 5-16, 5-16a, 5-16a.1, and 5-16b.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect January 1, 2011."

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 690, 691, 692, 694, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 711, 713, 714, 715, 716 and 717 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 4:09 o'clock p.m., Representative Miller moved that the House do now adjourn until Thursday, October 29, 2009, at 10:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

October 28, 2009

0 YEAS

0 NAYS

114 PRESENT

P Acevedo	P Davis, Monique	P Jefferson	P Reis
P Arroyo	P Davis, William	P Joyce	P Reitz
P Bassi	P DeLuca	P Kosel	P Riley
P Beaubien	P Dugan	P Lang	P Rita
P Beiser	P Dunkin	P Leitch	P Rose
P Bellock	P Durkin	P Lyons	P Sacia
P Berrios	P Eddy	P Mathias	P Saviano
P Biggins	P Farnham	P Mautino	P Schmitz
P Black	P Feigenholtz	P May	P Senger
P Boland	P Flider	P McAsey	P Sente
P Bost	P Flowers	P McAuliffe	P Smith
P Bradley	P Ford	P McCarthy	P Sommer
P Brady	P Fortner	P McGuire	P Soto
P Brauer	P Franks	P Mell	E Stephens
P Brosnahan	P Fritchey	P Mendoza	P Sullivan
P Burke	P Froehlich	P Miller	P Thapedi
P Burns	P Golar	P Mitchell, Bill	P Tracy
P Cavaletto	E Gordon, Careen	P Mitchell, Jerry	P Tryon
P Chapa LaVia	P Gordon, Jehan	P Moffitt	P Turner
E Coladipietro	P Graham	P Mulligan	P Verschoore
P Cole	P Hamos	P Myers	P Wait
P Collins	P Hannig	P Nekritz	P Walker
E Colvin	P Harris	P Osmond	P Washington
P Connelly	P Hatcher	P Osterman	P Watson
P Coulson	P Hernandez	P Phelps	P Winters
P Crespo	P Hoffman	P Pihos	P Yarbrough
P Cross	P Holbrook	P Poe	P Zalewski
P Cultra	P Howard	P Pritchard	P Mr. Speaker
P Currie	P Jackson	P Ramey	
P D'Amico	P Jakobsson	P Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1882
SCH CD-STREAMLINE ED DELIVERY
MOTION TO OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

October 28, 2009

113 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
Y Bassi	Y DeLuca	Y Kosel	Y Riley
Y Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	Y Leitch	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	Y Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	N McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	E Stephens
Y Brosnahan	Y Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
E Coladipietro	Y Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
E Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 2043
 MEDICAID-STUDY LOW BIRTHWEIGHT
 MOTION TO OVERRIDE AMENDATORY VETO
 PREVAILED
 THREE-FIFTHS VOTE REQUIRED

October 28, 2009

113 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
Y Bassi	Y DeLuca	Y Kosel	Y Riley
Y Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	Y Leitch	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	Y Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
N Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	E Stephens
Y Brosnahan	Y Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
E Coladipietro	Y Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
E Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1685
PUB HLTH-SMK FREE IL RELIGIOUS
MOTION TO OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

October 28, 2009

113 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
Y Bassi	Y DeLuca	Y Kosel	Y Riley
Y Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	Y Leitch	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	Y Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
N Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	E Stephens
Y Brosnahan	Y Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
E Coladipietro	Y Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
E Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1682
PRENEED-FUNERAL BURIAL CEMETRY
MOTION TO ACCEPT AMENDATORY VETO
PREVAILED

October 28, 2009

92 YEAS

22 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
N Bassi	Y DeLuca	Y Kosel	Y Riley
Y Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	N Leitch	N Rose
N Bellock	N Durkin	Y Lyons	N Sacia
Y Berrios	N Eddy	Y Mathias	Y Saviano
N Biggins	Y Farnham	Y Mautino	Y Schmitz
N Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
N Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	N Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
N Brauer	Y Franks	Y Mell	E Stephens
Y Brosnahan	Y Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	N Mitchell, Jerry	N Tryon
Y Chapa LaVia	Y Gordon, Jehan	N Moffitt	Y Turner
E Coladipietro	Y Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	N Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
E Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	N Watson
Y Coulson	Y Hernandez	Y Phelps	N Winters
Y Crespo	Y Hoffman	N Pihos	Y Yarbrough
Y Cross	Y Holbrook	N Poe	Y Zalewski
Y Cultra	Y Howard	N Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	N Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 47
PROC CD-COMPTROLLER WEBSITE
MOTION TO OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

October 28, 2009

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
Y Bassi	Y DeLuca	Y Kosel	Y Riley
Y Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	Y Leitch	Y Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	Y Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	E Stephens
Y Brosnahan	Y Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
E Coladipietro	Y Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
E Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	Y Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 806
 SCH CD-FIRST GRADE-AGE 5
 MOTION TO CONCUR IN SENATE AMENDMENTS NO. 1 & 2
 CONCURRED

October 28, 2009

111 YEAS

3 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Jefferson	Y Reis
Y Arroyo	Y Davis, William	Y Joyce	Y Reitz
Y Bassi	Y DeLuca	N Kosel	Y Riley
Y Beaubien	Y Dugan	Y Lang	Y Rita
Y Beiser	Y Dunkin	Y Leitch	N Rose
Y Bellock	Y Durkin	Y Lyons	Y Sacia
Y Berrios	Y Eddy	Y Mathias	Y Saviano
Y Biggins	Y Farnham	Y Mautino	Y Schmitz
Y Black	Y Feigenholtz	Y May	Y Senger
Y Boland	Y Flider	Y McAsey	Y Sente
Y Bost	Y Flowers	Y McAuliffe	Y Smith
Y Bradley	Y Ford	Y McCarthy	Y Sommer
Y Brady	Y Fortner	Y McGuire	Y Soto
Y Brauer	Y Franks	Y Mell	E Stephens
Y Brosnahan	Y Fritchey	Y Mendoza	Y Sullivan
Y Burke	Y Froehlich	Y Miller	Y Thapedi
Y Burns	Y Golar	Y Mitchell, Bill	Y Tracy
Y Cavaletto	E Gordon, Careen	Y Mitchell, Jerry	Y Tryon
Y Chapa LaVia	Y Gordon, Jehan	Y Moffitt	Y Turner
E Coladipietro	Y Graham	Y Mulligan	Y Verschoore
Y Cole	Y Hamos	Y Myers	Y Wait
Y Collins	Y Hannig	Y Nekritz	Y Walker
E Colvin	Y Harris	Y Osmond	Y Washington
Y Connelly	Y Hatcher	Y Osterman	Y Watson
Y Coulson	Y Hernandez	Y Phelps	Y Winters
Y Crespo	Y Hoffman	N Pihos	Y Yarbrough
Y Cross	Y Holbrook	Y Poe	Y Zalewski
Y Cultra	Y Howard	Y Pritchard	Y Mr. Speaker
Y Currie	Y Jackson	Y Ramey	
Y D'Amico	Y Jakobsson	Y Reboletti	

E - Denotes Excused Absence

80TH LEGISLATIVE DAY

Perfunctory Session

WEDNESDAY, OCTOBER 28, 2009

At the hour of 5:22 o'clock p.m., the House convened perfunctory session.

SENATE BILLS ON SECOND READING

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 1896.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Harris replaced Representative Boland in the Committee on Elections & Campaign Reform on October 28, 2009.

Representative Currie replaced Representative McAsey in the Committee on Judiciary II - Criminal Law on October 28, 2009.

Representative Saviano replaced Representative Coladipietro in the Committee on Financial Institutions on October 28, 2009.

Representative Kosel replaced Representative Senger in the Committee on Financial Institutions on October 28, 2009.

Representative Ford replaced Representative Smith in the Committee on Financial Institutions on October 28, 2009.

REPORTS FROM STANDING COMMITTEES

Representative Brosnahan, Chairperson, from the Committee on Financial Institutions to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 253.

The committee roll call vote on Amendment No. 1 to Senate Bill 253 is as follows:
22, Yeas; 0, Nays; 0, Answering Present.

- | | |
|--|---------------------------------------|
| Y Brosnahan(D), Chairperson | A Davis, Monique(D), Vice-Chairperson |
| Y Mitchell, Bill(R), Republican Spokesperson | Y Acevedo(D) |
| Y Bellock(R) | Y Black(R) |
| Y Burke(D) | Y Saviano(R) (replacing Coladipietro) |
| A Coulson(R) | Y Dunkin(D) |
| Y Durkin(R) | Y Fritchey(D) |
| A Hamos(D) | Y Holbrook(D) |
| Y Joyce(D) | Y Leitch(R) |
| Y Lyons(D) | Y McCarthy(D) |
| Y Reitz(D) | A Osterman(D) |
| Y Pritchard(R) | Y Rose(R) |
| Y Ford(D) (replacing Smith) | Y Kosel(R) (replacing Senger) |
| Y Soto(D) | Y Watson(R) |

Representative Nekritz, Chairperson, from the Committee on Elections & Campaign Reform to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 3 to SENATE BILL 146.

The committee roll call vote on Amendment No. 3 to Senate Bill 146 is as follows:

6, Yeas; 0, Nays; 0, Answering Present.

Y Nekritz(D), Chairperson	Y D'Amico(D), Vice-Chairperson
A Brady(R), Republican Spokesperson	Y Harris(D) (replacing Boland)
Y Durkin(R)	Y Jakobsson(D)
Y Mell(D)	A Myers(R)
A Reis(R)	

Representative Boland, Chairperson, from the Committee on Higher Education to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to Accept Amendatory Veto Motion on SENATE BILL 1698.

The committee roll call vote on the Motion to Accept Amendatory Veto Motion on Senate Bill 1698 is as follows:

6, Yeas; 0, Nays; 0, Answering Present.

Y Boland(D), Chairperson	Y Jakobsson(D), Vice-Chairperson
A Pritchard(R), Republican Spokesperson	Y Bost(R)
Y Flowers(D)	Y McCarthy(D)
Y Myers(R)	

Representative Howard, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on October 28, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1896.

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 3 to SENATE BILL 1369.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to Accept Amendatory Veto Motion on SENATE BILL 1050.

The committee roll call vote on the Motion to Accept Amendatory Veto Motion on Senate Bill 1050 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Howard(D), Chairperson	Y Collins(D), Vice-Chairperson
Y Reboletti(R), Republican Spokesperson	Y Golar(D)
Y Currie(D) (replacing McAsey)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on Senate Bill 1896 and Amendment No. 3 to 1369 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Howard(D), Chairperson	Y Collins(D), Vice-Chairperson
Y Reboletti(R), Republican Spokesperson	Y Golar(D)
Y McAsey(D)	Y Sacia(R)
Y Wait(R)	

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 4665. Introduced by Representative Davis, Monique, AN ACT concerning criminal law.

HOUSE BILL 4666. Introduced by Representative Davis, Monique, AN ACT concerning criminal law.

HOUSE BILL 4667. Introduced by Representative D'Amico, AN ACT concerning transportation.

HOUSE BILL 4668. Introduced by Representative Turner, AN ACT concerning revenue.

HOUSE BILL 4669. Introduced by Representative Holbrook, AN ACT concerning animals.

HOUSE BILL 4670. Introduced by Representatives Franks - Ford, AN ACT concerning gaming.

At the hour of 5:23 o'clock p.m., the House Perfunctory Session adjourned.