

1 AN ACT concerning driving violations.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-113, 6-118, 6-203.1, 6-206, 6-208.1,
6 6-303, 11-500, and 11-501 and adding Section 11-501.9 as
7 follows:

8 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

9 Sec. 6-113. Restricted licenses and permits. (a) The
10 Secretary of State upon issuing a drivers license or permit
11 shall have the authority whenever good cause appears to
12 impose restrictions suitable to the licensee's driving
13 ability with respect to the type of, or special mechanical
14 control devices required on, a motor vehicle which the
15 licensee may operate or such other restrictions applicable to
16 the licensee as the Secretary of State may determine to be
17 appropriate to assure the safe operation of a motor vehicle
18 by the licensee.

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

22 (c) The Secretary of State may issue a probationary
23 license to a person whose driving privileges have been
24 suspended pursuant to subsection (d) of this Section or
25 subsections (a)(2), (a)(19) and (a)(20) of Section 6-206 of
26 this Code. The Secretary of State shall promulgate rules
27 pursuant to The Illinois Administrative Procedure Act,
28 setting forth the conditions and criteria for the issuance
29 and cancellation of probationary licenses.

30 (d) The Secretary of State may upon receiving
31 satisfactory evidence of any violation of the restrictions of

1 such license or permit suspend, revoke or cancel the same
2 without preliminary hearing, but the licensee or permittee
3 shall be entitled to a hearing as in the case of a suspension
4 or revocation.

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

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

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

14 2. Violation of Section 11-501 of this Act relating to
15 the operation of a motor vehicle while under the influence of
16 intoxicating liquor or narcotic drugs;

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

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

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

26 (g) Notwithstanding the provisions of Sections 6-208,
27 6-208.1, and 6-208.2, the Secretary of State may, 30 days
28 after the effective date of a suspension pursuant to Section
29 6-208, 6-208.1, or 6-208.2 and in accordance with any rules
30 the Secretary may promulgate, issue a restricted driving
31 permit to a person who has applied for a restricted driver's
32 permit and who has consented to have, at his or her expense,
33 an ignition interlock device installed in his or her vehicle.

34 (Source: P.A. 86-549.)

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

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

5 Original driver's license.....\$10

6 Original or renewal driver's license

7 issued to 18, 19 and 20 year olds.....5

8 All driver's licenses for persons

9 age 69 through age 80.....5

10 All driver's licenses for persons

11 age 81 through age 86.....2

12 All driver's licenses for persons

13 age 87 or older.....0

14 Renewal driver's license (except for

15 applicants ages 18, 19 and 20 or

16 age 69 and older).....10

17 Original instruction permit issued to

18 persons (except those age 69 and older)

19 who do not hold or have not previously

20 held an Illinois instruction permit or

21 driver's license.....20

22 Instruction permit issued to any person

23 holding an Illinois driver's license

24 who wishes a change in classifications,

25 other than at the time of renewal.....5

26 Any instruction permit issued to a person

27 age 69 and older.....5

28 Instruction permit issued to any person,

29 under age 69, not currently holding a

30 valid Illinois driver's license or

31 instruction permit but who has

32 previously been issued either document

33 in Illinois.....10

34 Restricted driving permit.....8

1 Duplicate or corrected driver's license
2 or permit.....5
3 Duplicate or corrected restricted
4 driving permit.....5
5 Original or renewal M or L endorsement.....5

6 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

9 Commercial driver's license:

- 10 \$6 for the CDLIS/AAMVAnet Fund
- 11 (Commercial Driver's License Information
- 12 System/American Association of Motor Vehicle
- 13 Administrators network Trust Fund);
- 14 \$20 for the Motor Carrier Safety Inspection Fund;
- 15 \$10 for the driver's license;
- 16 and \$24 for the CDL:.....\$60

17 Renewal commercial driver's license:

- 18 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 19 \$20 for the Motor Carrier Safety Inspection Fund;
- 20 \$10 for the driver's license; and
- 21 \$24 for the CDL:.....\$60

22 Commercial driver instruction permit

- 23 issued to any person holding a valid
- 24 Illinois driver's license for the
- 25 purpose of changing to a
- 26 CDL classification: \$6 for the
- 27 CDLIS/AAMVAnet Trust Fund;
- 28 \$20 for the Motor Carrier
- 29 Safety Inspection Fund; and
- 30 \$24 for the CDL classification.....\$50

31 Commercial driver instruction permit

- 32 issued to any person holding a valid
- 33 Illinois CDL for the purpose of
- 34 making a change in a classification,

1 endorsement or restriction.....\$5
 2 CDL duplicate or corrected license.....\$5

3 In order to ensure the proper implementation of the
 4 Uniform Commercial Driver License Act, Article V of this
 5 Chapter, the Secretary of State is empowered to pro-rate the
 6 \$24 fee for the commercial driver's license proportionate to
 7 the expiration date of the applicant's Illinois driver's
 8 license.

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

13 No additional fee shall be charged for a driver's
 14 license, or for a commercial driver's license, when issued to
 15 the holder of an instruction permit for the same
 16 classification or type of license who becomes eligible for
 17 such license.

18 (b) Any person whose license or privilege to operate a
 19 motor vehicle in this State has been suspended or revoked
 20 under any provision of Chapter 6, Chapter 11, or Section
 21 7-702 of the Family Financial Responsibility Law of this
 22 Code, shall in addition to any other fees required by this
 23 Code, pay a reinstatement fee as follows:

24 Summary suspension under Section 11-501.1 or 11-501.9.\$60
 25 Other suspension.....\$30
 26 Revocation.....\$60

27 However, any person whose license or privilege to operate
 28 a motor vehicle in this State has been suspended or revoked
 29 for a second or subsequent time for a violation of Section
 30 11-501 ~~or 11-501.1~~ of this Code or a similar provision of a
 31 local ordinance, a violation of ~~or~~ Section 9-3 of the
 32 Criminal Code of 1961, or a failure to submit to a chemical
 33 test or tests of blood, breath, or urine pursuant to Section
 34 11-501.1 or to a preliminary breath screening test or a field

1 sobriety test or tests pursuant to Section 11-501.9 of this
 2 Code and each suspension or revocation was for a violation of
 3 Section 11-501 ~~or~~ 11-501.1 of this Code or a similar
 4 provision of a local ordinance, a violation of ~~or~~ Section 9-3
 5 of the Criminal Code of 1961, a violation of any out-of-state
 6 offense similar to any of the offenses listed in this
 7 subsection (b), or a failure to submit to a chemical test or
 8 tests of blood, breath, or urine pursuant to Section 11-501.1
 9 or to a preliminary breath screening test or a field sobriety
 10 test or tests pursuant to Section 11-501.9 of this Code or
 11 similar provisions of an out-of-state jurisdiction shall pay,
 12 in addition to any other fees required by this Code, a
 13 reinstatement fee as follows:

14	Summary suspension under Section 11-501.1 <u>or</u>	
15	<u>11-501.9</u>	\$250
16	Revocation.....	\$250

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

20 1. The following amounts shall be paid into the
 21 Driver Education Fund:

- 22 (A) \$16 of the \$20 fee for an original
- 23 driver's instruction permit;
- 24 (B) \$5 of the \$10 fee for an original driver's
- 25 license;
- 26 (C) \$5 of the \$10 fee for a 4 year renewal
- 27 driver's license; and
- 28 (D) \$4 of the \$8 fee for a restricted driving
- 29 permit.

30 2. \$30 of the \$60 fee for reinstatement of a license
 31 summarily suspended under Section 11-501.1 or 11-501.9
 32 shall be deposited into the Drunk and Drugged Driving
 33 Prevention Fund. However, for a person whose license or
 34 privilege to operate a motor vehicle in this State has

1 been suspended or revoked for a second or subsequent time
2 for a violation of Section 11-501 ~~er--11-501.1~~ of this
3 Code or a similar provision of a local ordinance, a
4 violation of ~~er~~ Section 9-3 of the Criminal Code of 1961,
5 a violation of any out-of-state offense similar to any of
6 the offenses listed in this paragraph (2) of subsection
7 (c), or a failure to submit to a chemical test or tests
8 of blood, breath, or urine pursuant to Section 11-501.1
9 or to a preliminary breath screening test or a field
10 sobriety test or tests pursuant to Section 11-501.9 of
11 this Code or similar provisions of an out-of-state
12 jurisdiction, \$190 of the \$250 fee for reinstatement of a
13 license summarily suspended under Section 11-501.1 or
14 11-501.9, and \$190 of the \$250 fee for reinstatement of a
15 revoked license shall be deposited into the Drunk and
16 Drugged Driving Prevention Fund.

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

22 4. The fee for reinstatement of a license suspended
23 under the Family Financial Responsibility Law shall be
24 paid into the Family Responsibility Fund.

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

28 6. \$20 of any original or renewal fee for a
29 commercial driver's license or commercial driver
30 instruction permit shall be paid into the Motor Carrier
31 Safety Inspection Fund.

32 (Source: P.A. 90-622, eff. 3-1-99; 90-738, eff. 1-1-99;
33 91-357, eff. 7-29-99; 91-537, eff. 8-13-99.)

(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 the driving privileges of a person persons:

(1) arrested in another state for driving 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, or to a preliminary breath screening test or a field sobriety test or tests under the provisions of implied consent, or-

(2) requested to submit to a preliminary breath screening test or a field sobriety test or tests in another state under provisions of implied consent and who has refused to submit to the test or tests.

(b) When a driving privilege has been suspended for a refusal as provided in paragraph (a) 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.

(Source: P.A. 90-779, eff. 1-1-99.)

(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

1 vehicles committed within any 12 month period. No
2 revocation or suspension shall be entered more than 6
3 months after the date of last conviction;

4 3. Has been repeatedly involved as a driver in
5 motor vehicle collisions or has been repeatedly convicted
6 of offenses against laws and ordinances regulating the
7 movement of traffic, to a degree that indicates lack of
8 ability to exercise ordinary and reasonable care in the
9 safe operation of a motor vehicle or disrespect for the
10 traffic laws and the safety of other persons upon the
11 highway;

12 4. Has by the unlawful operation of a motor vehicle
13 caused or contributed to an accident resulting in death
14 or injury requiring immediate professional treatment in a
15 medical facility or doctor's office to any person, except
16 that any suspension or revocation imposed by the
17 Secretary of State under the provisions of this
18 subsection shall start no later than 6 months after being
19 convicted of violating a law or ordinance regulating the
20 movement of traffic, which violation is related to the
21 accident, or shall start not more than one year after the
22 date of the accident, whichever date occurs later;

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

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

29 7. Has refused or failed to submit to an
30 examination provided for by Section 6-207 or has failed
31 to pass the examination;

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

34 9. Has made a false statement or knowingly

1 concealed a material fact or has used false information
2 or identification in any application for a license,
3 identification card, or permit;

4 10. Has possessed, displayed, or attempted to
5 fraudulently use any license, identification card, or
6 permit not issued to the person;

7 11. Has operated a motor vehicle upon a highway of
8 this State when the person's driving privilege or
9 privilege to obtain a driver's license or permit was
10 revoked or suspended unless the operation was authorized
11 by a judicial driving permit, probationary license to
12 drive, or a restricted driving permit issued under this
13 Code;

14 12. Has submitted to any portion of the application
15 process for another person or has obtained the services
16 of another person to submit to any portion of the
17 application process for the purpose of obtaining a
18 license, identification card, or permit for some other
19 person;

20 13. Has operated a motor vehicle upon a highway of
21 this State when the person's driver's license or permit
22 was invalid under the provisions of Sections 6-107.1 and
23 6-110;

24 14. Has committed a violation of Section 6-301,
25 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
26 14B of the Illinois Identification Card Act;

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

31 16. Has been convicted of violating Section 11-204
32 of this Code relating to fleeing from a police officer;

33 17. Has refused to submit to a test, or tests, as
34 required under Section 11-501.1 or 11-501.9 of this Code

1 and the person has not sought a hearing as provided for
2 in Section 11-501.1 or 11-501.9;

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

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

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

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

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

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

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

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

34 26. Has altered or attempted to alter a license or

1 has possessed an altered license, identification card, or
2 permit;

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

5 28. Has been convicted of the illegal possession,
6 while operating or in actual physical control, as a
7 driver, of a motor vehicle, of any controlled substance
8 prohibited under the Illinois Controlled Substances Act
9 or any cannabis prohibited under the provisions of the
10 Cannabis Control Act, in which case the person's driving
11 privileges shall be suspended for one year, and any
12 driver who is convicted of a second or subsequent
13 offense, within 5 years of a previous conviction, for the
14 illegal possession, while operating or in actual physical
15 control, as a driver, of a motor vehicle, of any
16 controlled substance prohibited under the provisions of
17 the Illinois Controlled Substances Act or any cannabis
18 prohibited under the Cannabis Control Act shall be
19 suspended for 5 years. Any defendant found guilty of this
20 offense while operating a motor vehicle, shall have an
21 entry made in the court record by the presiding judge
22 that this offense did occur while the defendant was
23 operating a motor vehicle and order the clerk of the
24 court to report the violation to the Secretary of State;

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

1 be suspended for one year;

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

6 31. Has refused to submit to a test as required by
7 Section 11-501.6 or has submitted to a test resulting in
8 an alcohol concentration of 0.08 or more or any amount of
9 a drug, substance, or compound resulting from the
10 unlawful use or consumption of cannabis as listed in the
11 Cannabis Control Act or a controlled substance as listed
12 in the Illinois Controlled Substances Act in which case
13 the penalty shall be as prescribed in Section 6-208.1;

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

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

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

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

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

33 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
34 and 27 of this subsection, license means any driver's

1 license, any traffic ticket issued when the person's driver's
2 license is deposited in lieu of bail, a suspension notice
3 issued by the Secretary of State, a duplicate or corrected
4 driver's license, a probationary driver's license or a
5 temporary driver's license.

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

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

22 2. If the Secretary of State suspends the driver's
23 license of a person under subsection 2 of paragraph (a)
24 of this Section, a person's privilege to operate a
25 vehicle as an occupation shall not be suspended, provided
26 an affidavit is properly completed, the appropriate fee
27 received, and a permit issued prior to the effective date
28 of the suspension, unless 5 offenses were committed, at
29 least 2 of which occurred while operating a commercial
30 vehicle in connection with the driver's regular
31 occupation. All other driving privileges shall be
32 suspended by the Secretary of State. Any driver prior to
33 operating a vehicle for occupational purposes only must
34 submit the affidavit on forms to be provided by the

1 Secretary of State setting forth the facts of the
2 person's occupation. The affidavit shall also state the
3 number of offenses committed while operating a vehicle in
4 connection with the driver's regular occupation. The
5 affidavit shall be accompanied by the driver's license.
6 Upon receipt of a properly completed affidavit, the
7 Secretary of State shall issue the driver a permit to
8 operate a vehicle in connection with the driver's regular
9 occupation only. Unless the permit is issued by the
10 Secretary of State prior to the date of suspension, the
11 privilege to drive any motor vehicle shall be suspended
12 as set forth in the notice that was mailed under this
13 Section. If an affidavit is received subsequent to the
14 effective date of this suspension, a permit may be issued
15 for the remainder of the suspension period.

16 The provisions of this subparagraph shall not apply
17 to any driver required to obtain a commercial driver's
18 license under Section 6-507 during the period of a
19 disqualification of commercial driving privileges under
20 Section 6-514.

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

26 3. At the conclusion of a hearing under Section
27 2-118 of this Code, the Secretary of State shall either
28 rescind or continue an order of revocation or shall
29 substitute an order of suspension; or, good cause
30 appearing therefor, rescind, continue, change, or extend
31 the order of suspension. If the Secretary of State does
32 not rescind the order, the Secretary may upon
33 application, to relieve undue hardship, issue a
34 restricted driving permit granting the privilege of

1 driving a motor vehicle between the petitioner's
2 residence and petitioner's place of employment or within
3 the scope of his employment related duties, or to allow
4 transportation for the petitioner, or a household member
5 of the petitioner's family, to receive necessary medical
6 care and if the professional evaluation indicates,
7 provide transportation for alcohol remedial or
8 rehabilitative activity, or for the petitioner to attend
9 classes, as a student, in an accredited educational
10 institution; if the petitioner is able to demonstrate
11 that no alternative means of transportation is reasonably
12 available and the petitioner will not endanger the public
13 safety or welfare. In each case the Secretary may issue a
14 restricted driving permit for a period deemed
15 appropriate, except that all permits shall expire within
16 one year from the date of issuance. A restricted driving
17 permit issued under this Section shall be subject to
18 cancellation, revocation, and suspension by the Secretary
19 of State in like manner and for like cause as a driver's
20 license issued under this Code may be cancelled, revoked,
21 or suspended; except that a conviction upon one or more
22 offenses against laws or ordinances regulating the
23 movement of traffic shall be deemed sufficient cause for
24 the revocation, suspension, or cancellation of a
25 restricted driving permit. The Secretary of State may, as
26 a condition to the issuance of a restricted driving
27 permit, require the applicant to participate in a
28 designated driver remedial or rehabilitative program. The
29 Secretary of State is authorized to cancel a restricted
30 driving permit if the permit holder does not successfully
31 complete the program.

32 (c-5) The Secretary of State may, as a condition of the
33 reissuance of a driver's license or permit to an applicant
34 under the age of 18 years whose driver's license or permit

1 has been suspended pursuant to any of the provisions of this
2 Section, require the applicant to participate in a driver
3 remedial education course and be retested under Section 6-109
4 of this Code.

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

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

11 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95;
12 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff.
13 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

14 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

17 (a) Unless the statutory summary suspension has been
18 rescinded, any person whose privilege to drive a motor
19 vehicle on the public highways has been summarily suspended,
20 pursuant to Section 11-501.1 or 11-501.9, shall not be
21 eligible for restoration of the privilege until the
22 expiration of:

23 1. Six months from the effective date of the
24 statutory summary suspension for a refusal or failure to
25 complete a test or tests to determine the alcohol, drug,
26 or intoxicating compound concentration, pursuant to
27 Section 11-501.1; or for a refusal or failure to complete
28 a preliminary breath screening test or a field sobriety
29 test or tests pursuant to Section 11-501.9; or

30 2. Three months from the effective date of the
31 statutory summary suspension imposed following the
32 person's submission to a chemical test which disclosed an
33 alcohol concentration of 0.08 or more, or any amount of a

1 drug, substance, or intoxicating compound in such
2 person's breath, blood, or urine resulting from the
3 unlawful use or consumption of cannabis listed in the
4 Cannabis Control Act, a controlled substance listed in
5 the Illinois Controlled Substances Act, or an
6 intoxicating compound listed in the Use of Intoxicating
7 Compounds Act, pursuant to Section 11-501.1; or

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

13 3.1. Two years from the effective date of the
14 statutory summary suspension for any person other than a
15 first offender who refuses or fails to complete a
16 preliminary breath screening test or a field sobriety
17 test or tests pursuant to Section 11-501.9; or

18 4. One year from the effective date of the summary
19 suspension imposed for any person other than a first
20 offender following submission to a chemical test which
21 disclosed an alcohol concentration of 0.08 or more
22 pursuant to Section 11-501.1 or any amount of a drug,
23 substance or compound in such person's blood or urine
24 resulting from the unlawful use or consumption of
25 cannabis listed in the Cannabis Control Act, a controlled
26 substance listed in the Illinois Controlled Substances
27 Act, or an intoxicating compound listed in the Use of
28 Intoxicating Compounds Act.

29 (b) Following a statutory summary suspension of the
30 privilege to drive a motor vehicle under Section 11-501.1 or
31 11-501.9, full driving privileges shall be restored unless
32 the person is otherwise disqualified by this Code. If the
33 court has reason to believe that the person's driving
34 privilege should not be restored, the court shall notify the

1 Secretary of State prior to the expiration of the statutory
2 summary suspension so appropriate action may be taken
3 pursuant to this Code.

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

8 (d) Where a driving privilege has been summarily
9 suspended under Section 11-501.1 or 11-501.9 and the person
10 is subsequently convicted of violating Section 11-501, or a
11 similar provision of a local ordinance, for the same
12 incident, any period served on statutory summary suspension
13 shall be credited toward the minimum period of revocation of
14 driving privileges imposed pursuant to Section 6-205.

15 (e) Following a statutory summary suspension of driving
16 privileges pursuant to Section 11-501.1, for a first
17 offender, the circuit court may, after at least 30 days from
18 the effective date of the statutory summary suspension, issue
19 a judicial driving permit as provided in Section 6-206.1.

20 (f) Subsequent to an arrest of a first offender, for any
21 offense as defined in Section 11-501 or a similar provision
22 of a local ordinance, following a statutory summary
23 suspension of driving privileges pursuant to Section
24 11-501.1, for a first offender, the circuit court may issue a
25 court order directing the Secretary of State to issue a
26 judicial driving permit as provided in Section 6-206.1.
27 However, this JDP shall not be effective prior to the 31st
28 day of the statutory summary suspension.

29 (f-5) Following a statutory summary suspension of
30 driving privileges pursuant to Section 11-501.9, for a first
31 offender, the Secretary of State may, after at least 30 days
32 from the effective date of the statutory summary suspension,
33 issue a restricted driving permit as provided in subsection
34 (g) of Section 11-501.9.

1 (g) Following a statutory summary suspension of driving
2 privileges pursuant to Section 11-501.1 or 11-501.9 where the
3 person was not a first offender, as defined in Section 11-500
4 and such person refused or failed to complete a test or tests
5 to determine the alcohol, drug, or intoxicating compound
6 concentration pursuant to Section 11-501.1 or a preliminary
7 breath screening test or a field sobriety test or tests
8 pursuant to Section 11-501.9, the Secretary of State may
9 issue a restricted driving permit if at least 2 years have
10 elapsed since the effective date of the statutory summary
11 suspension.

12 (h) Following a statutory summary suspension of driving
13 privileges pursuant to Section 11-501.1 where the person was
14 not a first offender as defined in Section 11-500 and such
15 person submitted to a chemical test which disclosed an
16 alcohol concentration of 0.08 or more pursuant to Section
17 11-501.1, the Secretary of State may, after at least 90 days
18 from the effective date of the statutory summary suspension,
19 issue a restricted driving permit.

20 (i) When a person has refused to submit to or failed to
21 complete a chemical test or tests of blood, breath, or urine
22 pursuant to Section 11-501.1 or to a preliminary breath
23 screening test or a field sobriety test or tests pursuant to
24 Section 11-501.9, the person's driving privileges shall be
25 statutorily suspended under the provisions of both Sections,
26 but the periods of statutory suspension shall run
27 concurrently.

28 (Source: P.A. 90-43, eff. 7-2-97; 90-738, eff. 1-1-99;
29 90-779, eff. 1-1-99; 91-357, eff. 7-29-99.)

30 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)
31 Sec. 6-303. Driving while driver's license, permit or
32 privilege to operate a motor vehicle is suspended or revoked.

33 (a) Any person who drives or is in actual physical

1 control of a motor vehicle on any highway of this State at a
2 time when such person's driver's license, permit or privilege
3 to do so or the privilege to obtain a driver's license or
4 permit is revoked or suspended as provided by this Code or
5 the law of another state, except as may be specifically
6 allowed by and subject to the conditions of a judicial
7 driving permit, family financial responsibility driving
8 permit, probationary license to drive, or a restricted
9 driving permit issued pursuant to this Code or under the law
10 of another state, shall be guilty of a Class A misdemeanor.

11 (b) The Secretary of State upon receiving a report of
12 the conviction of any violation indicating a person was
13 operating a motor vehicle during the time when said person's
14 driver's license, permit or privilege was suspended by the
15 Secretary, by the appropriate authority of another state, or
16 pursuant to Section 11-501.1 or 11-501.9, except as may be
17 specifically allowed by a probationary license to drive,
18 judicial driving permit or restricted driving permit issued
19 pursuant to this Code or the law of another state; shall
20 extend the suspension for the same period of time as the
21 originally imposed suspension; however, if the period of
22 suspension has then expired, the Secretary shall be
23 authorized to suspend said person's driving privileges for
24 the same period of time as the originally imposed suspension;
25 and if the conviction was upon a charge which indicated that
26 a vehicle was operated during the time when the person's
27 driver's license, permit or privilege was revoked; except as
28 may be allowed by a restricted driving permit issued pursuant
29 to this Code or the law of another state; the Secretary shall
30 not issue a driver's license for an additional period of one
31 year from the date of such conviction indicating such person
32 was operating a vehicle during such period of revocation.

33 (c) Any person convicted of violating this Section shall
34 serve a minimum term of imprisonment of 7 consecutive days or

1 30 days of community service when the person's driving
2 privilege was revoked or suspended as a result of:

3 (1) a violation of Section 11-501 of this Code or a
4 similar provision of a local ordinance relating to the
5 offense of operating or being in physical control of a
6 vehicle while under the influence of alcohol, any other
7 drug or any combination thereof; or

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

12 (3) a violation of Section 9-3 of the Criminal Code
13 of 1961, as amended, relating to the offense of reckless
14 homicide; or

15 (4) a statutory summary suspension under Section
16 11-501.1 or 11-501.9 of this Code.

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

20 (d) Any person convicted of a second or subsequent
21 violation of this Section shall be guilty of a Class 4 felony
22 if the original revocation or suspension was for a violation
23 of Section 11-401 or 11-501 of this Code, or a similar
24 out-of-state offense, or a similar provision of a local
25 ordinance, a violation of Section 9-3 of the Criminal Code of
26 1961, relating to the offense of reckless homicide, or a
27 similar out-of-state offense, or a statutory summary
28 suspension under Section 11-501.1 or 11-501.9 of this Code.

29 (e) Any person in violation of this Section who is also
30 in violation of Section 7-601 of this Code relating to
31 mandatory insurance requirements, in addition to other
32 penalties imposed under this Section, shall have his or her
33 motor vehicle immediately impounded by the arresting law
34 enforcement officer. The motor vehicle may be released to

1 any licensed driver upon a showing of proof of insurance for
2 the vehicle that was impounded and the notarized written
3 consent for the release by the vehicle owner.

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

7 (Source: P.A. 90-400, eff. 8-15-97; 90-738, eff. 1-1-99;
8 91-692, eff. 4-13-00.)

9 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

10 Sec. 11-500. Definitions. For the purposes of
11 interpreting Sections 6-206.1 and 6-208.1 of this Code,
12 "first offender" shall mean: (i) any person who has not had a
13 previous conviction or court assigned supervision for
14 violating Section 11-501, or a similar provision of a local
15 ordinance, or a conviction in any other state for a violation
16 of driving while under the influence or a similar offense
17 where the cause of action is the same or substantially
18 similar to this Code, or (ii) any person who has not had a
19 driver's license suspension for violating Section 11-501.1 or
20 11-501.9 within 5 years prior to the date of the current
21 offense or failure to submit to or complete a chemical test
22 or tests of blood, breath, or urine pursuant to Section
23 11-501.1 or a preliminary breath screening test or a field
24 sobriety test or tests pursuant to Section 11-501.9, except
25 in cases where the driver submitted to chemical testing
26 resulting in an alcohol concentration of 0.08 or more, or any
27 amount of a drug, substance, or compound in such person's
28 blood or urine resulting from the unlawful use or consumption
29 of cannabis listed in the Cannabis Control Act, a controlled
30 substance listed in the Illinois Controlled Substances Act,
31 or an intoxicating compound listed in the Use of Intoxicating
32 Compounds Act and was subsequently found not guilty of
33 violating Section 11-501, or a similar provision of a local

1 ordinance.

2 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

3 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

7 (a) A person shall not drive or be in actual physical
8 control of any vehicle within this State while:

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

12 (2) under the influence of alcohol;

13 (3) under the influence of any intoxicating
14 compound or combination of intoxicating compounds to a
15 degree that renders the person incapable of driving
16 safely;

17 (4) under the influence of any other drug or
18 combination of drugs to a degree that renders the person
19 incapable of safely driving;

20 (5) under the combined influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds to a
22 degree that renders the person incapable of safely
23 driving; or

24 (6) there is any amount of a drug, substance, or
25 compound in the person's breath, blood, or urine
26 resulting from the unlawful use or consumption of
27 cannabis listed in the Cannabis Control Act, a controlled
28 substance listed in the Illinois Controlled Substances
29 Act, or an intoxicating compound listed in the Use of
30 Intoxicating Compounds Act.

31 (b) The fact that any person charged with violating this
32 Section is or has been legally entitled to use alcohol, other
33 drug or drugs, or intoxicating compound or compounds, or any

1 combination thereof, shall not constitute a defense against
2 any charge of violating this Section.

3 (c) Except as provided under paragraphs (c-3) and (d) of
4 this Section, every person convicted of violating this
5 Section or a similar provision of a local ordinance, shall be
6 guilty of a Class A misdemeanor and, in addition to any other
7 criminal or administrative action, for any second conviction
8 of violating this Section or a similar provision of a law of
9 another state or local ordinance committed within 5 years of
10 a previous violation of this Section or a similar provision
11 of a local ordinance shall be mandatorily sentenced to a
12 minimum of 48 consecutive hours of imprisonment or assigned
13 to a minimum of 100 hours of community service as may be
14 determined by the court. Every person convicted of violating
15 this Section or a similar provision of a local ordinance
16 shall be subject to a mandatory minimum fine of \$500 and a
17 mandatory 5 days of community service in a program benefiting
18 children if the person committed a violation of paragraph (a)
19 or a similar provision of a local ordinance while
20 transporting a person under age 16. Every person convicted a
21 second time for violating this Section or a similar provision
22 of a local ordinance within 5 years of a previous violation
23 of this Section or a similar provision of a law of another
24 state or local ordinance shall be subject to a mandatory
25 minimum fine of \$500 and 10 days of mandatory community
26 service in a program benefiting children if the current
27 offense was committed while transporting a person under age
28 16. The imprisonment or assignment under this subsection
29 shall not be subject to suspension nor shall the person be
30 eligible for probation in order to reduce the sentence or
31 assignment.

32 (c-1) (1) A person who violates this Section during a
33 period in which his or her driving privileges are revoked
34 or suspended, where the revocation or suspension was for

1 a violation of this Section or a similar provision of a
2 local ordinance, a failure to submit to a chemical test
3 or tests of blood, breath, or urine pursuant to Section
4 11-501.1 or a failure to submit to a preliminary breath
5 screening test or a field sobriety test or tests pursuant
6 to Section 11-501.9 of this Code, a violation of,
7 paragraph (b) of Section 11-401 of this Code, or a
8 violation of Section 9-3 of the Criminal Code of 1961 is
9 guilty of a Class 4 felony.

10 (2) A person who violates this Section a third time
11 during a period in which his or her driving privileges
12 are revoked or suspended where the revocation or
13 suspension was for a violation of this Section, or a
14 similar violation of a local ordinance, a failure to
15 submit to a chemical test or tests of blood, breath, or
16 urine pursuant to Section 11-501.1 or a failure to submit
17 to a preliminary breath screening test or a field
18 sobriety test or tests pursuant to Section 11-501.9 of
19 this Code, a violation of, paragraph (b) of Section
20 11-401 of this Code, or a violation of Section 9-3 of the
21 Criminal Code of 1961 is guilty of a Class 3 felony.

22 (3) A person who violates this Section a fourth or
23 subsequent time during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of this
26 Section or a similar violation of a local ordinance, a
27 failure to submit to a chemical test or tests of blood,
28 breath, or urine pursuant to Section 11-501.1 or a
29 failure to submit to a preliminary breath screening test
30 or a field sobriety test or tests pursuant to Section
31 11-501.9 of this Code, a violation of, paragraph (b) of
32 Section 11-401 of this Code, or a violation of Section
33 9-3 of the Criminal Code of 1961 is guilty of a Class 2
34 felony.

1 (c-2) (Blank).

2 (c-3) Every person convicted of violating this Section
3 or a similar provision of a local ordinance who had a child
4 under age 16 in the vehicle at the time of the offense shall
5 have his or her punishment under this Act enhanced by 2 days
6 of imprisonment for a first offense, 10 days of imprisonment
7 for a second offense, 30 days of imprisonment for a third
8 offense, and 90 days of imprisonment for a fourth or
9 subsequent offense, in addition to the fine and community
10 service required under subsection (c) and the possible
11 imprisonment required under subsection (d). The imprisonment
12 or assignment under this subsection shall not be subject to
13 suspension nor shall the person be eligible for probation in
14 order to reduce the sentence or assignment.

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

20 (A) the person committed a violation of this
21 Section, or a similar provision of a law of another state
22 or a local ordinance when the cause of action is the same
23 as or substantially similar to this Section, for the
24 third or subsequent time;

25 (B) the person committed a violation of paragraph
26 (a) while driving a school bus with children on board;

27 (C) the person in committing a violation of
28 paragraph (a) was involved in a motor vehicle accident
29 that resulted in great bodily harm or permanent
30 disability or disfigurement to another, when the
31 violation was a proximate cause of the injuries; or

32 (D) the person committed a violation of paragraph
33 (a) for a second time and has been previously convicted
34 of violating Section 9-3 of the Criminal Code of 1961

1 relating to reckless homicide in which the person was
2 determined to have been under the influence of alcohol,
3 other drug or drugs, or intoxicating compound or
4 compounds as an element of the offense or the person has
5 previously been convicted under subparagraph (C) of this
6 paragraph (1).

7 (2) Aggravated driving under the influence of alcohol,
8 other drug or drugs, or intoxicating compound or compounds,
9 or any combination thereof is a Class 4 felony for which a
10 person, if sentenced to a term of imprisonment, shall be
11 sentenced to not less than one year and not more than 3 years
12 for a violation of subparagraph (A), (B) or (D) of paragraph
13 (1) of this subsection (d) and not less than one year and not
14 more than 12 years for a violation of subparagraph (C) of
15 paragraph (1) of this subsection (d). For any prosecution
16 under this subsection (d), a certified copy of the driving
17 abstract of the defendant shall be admitted as proof of any
18 prior conviction.

19 (e) After a finding of guilt and prior to any final
20 sentencing, or an order for supervision, for an offense based
21 upon an arrest for a violation of this Section or a similar
22 provision of a local ordinance, individuals shall be required
23 to undergo a professional evaluation to determine if an
24 alcohol, drug, or intoxicating compound abuse problem exists
25 and the extent of the problem. Programs conducting these
26 evaluations shall be licensed by the Department of Human
27 Services. The cost of any professional evaluation shall be
28 paid for by the individual required to undergo the
29 professional evaluation.

30 (f) Every person found guilty of violating this Section,
31 whose operation of a motor vehicle while in violation of this
32 Section proximately caused any incident resulting in an
33 appropriate emergency response, shall be liable for the
34 expense of an emergency response as provided under Section

1 5-5-3 of the Unified Code of Corrections.

2 (g) The Secretary of State shall revoke the driving
3 privileges of any person convicted under this Section or a
4 similar provision of a local ordinance.

5 (h) Every person sentenced under subsection (d) of this
6 Section and who receives a term of probation or conditional
7 discharge shall be required to serve a minimum term of either
8 30 days community service or, beginning July 1, 1993, 48
9 consecutive hours of imprisonment as a condition of the
10 probation or conditional discharge. This mandatory minimum
11 term of imprisonment or assignment of community service shall
12 not be suspended and shall not be subject to reduction by the
13 court.

14 (i) The Secretary of State may use ignition interlock
15 device requirements when granting driving relief to
16 individuals who have been arrested for a second or subsequent
17 offense of this Section or a similar provision of a local
18 ordinance. The Secretary shall establish by rule and
19 regulation the procedures for use of the interlock system.

20 (j) In addition to any other penalties and liabilities,
21 a person who is found guilty of or pleads guilty to violating
22 this Section, including any person placed on court
23 supervision for violating this Section, shall be fined \$100,
24 payable to the circuit clerk, who shall distribute the money
25 to the law enforcement agency that made the arrest. In the
26 event that more than one agency is responsible for the
27 arrest, the \$100 shall be shared equally. Any moneys
28 received by a law enforcement agency under this subsection

29 (j) shall be used to purchase law enforcement equipment that
30 will assist in the prevention of alcohol related criminal
31 violence throughout the State. This shall include, but is
32 not limited to, in-car video cameras, radar and laser speed
33 detection devices, and alcohol breath testers. Any moneys
34 received by the Department of State Police under this

1 subsection (j) shall be deposited into the State Police DUI
2 Fund and shall be used to purchase law enforcement equipment
3 that will assist in the prevention of alcohol related
4 criminal violence throughout the State.

5 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;
6 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.
7 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,
8 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

9 (625 ILCS 5/11-501.9 new)

10 Sec. 11-501.9. Mandatory preliminary breath screening
11 test and field sobriety tests.

12 (a) The General Assembly finds that: (1) the incidence
13 of motorists suspected of driving under the influence of
14 alcohol, other drugs, or intoxicating compounds who refuse to
15 perform voluntary preliminary breath screening tests or field
16 sobriety tests has risen to alarming proportions; (2)
17 motorists who refuse these tests frequently drive under the
18 influence of alcohol, drugs, or intoxicating compounds but
19 are nonetheless often able to avoid the loss or suspension of
20 driving privileges by refusing to perform these tests; (3)
21 these motorists pose a substantial danger to the lives and
22 property both of other motorists and of pedestrians; (4) the
23 State of Illinois has the duty to protect the lives and
24 property of its citizens as they travel upon the roads and
25 highways of this State, and that duty gives rise to a special
26 need to ensure that those roads and highways are free from
27 the dangers posed by impaired motorists; (5) persons who
28 operate motor vehicles upon the roads and highways of this
29 State engage in an inherently dangerous activity that
30 directly affects the safety of the public, and consequently,
31 such persons are subject to reasonable measures designed to
32 make road and highway travel safe; (6) the only effective and
33 realistic response to the crisis presented by motorists

1 refusing to voluntarily perform preliminary breath screening
2 tests or field sobriety tests is to require persons suspected
3 of driving under the influence of alcohol, drugs, or
4 intoxicating compounds to perform these tests; and (7) the
5 required performance of these tests based on individualized
6 reasonable suspicion is a necessary, unobtrusive, and
7 reasonable measure designed to promote the State's special
8 need to make its roads and highways safe.

9 (b) Any person who drives or is in actual physical
10 control of a motor vehicle within this State shall be deemed
11 to have given consent to performing any field sobriety test
12 or tests approved by the Illinois Law Enforcement Training
13 Standards Board and to providing a sample of his or her
14 breath for a preliminary breath screening test using a
15 portable device approved by the Department of State Police
16 and checked for accuracy by the law enforcement agency
17 utilizing the device at intervals not exceeding 3 months if
18 the law enforcement officer has reasonable suspicion based on
19 specific and articulable facts and rational inferences from
20 those facts to believe that the person is violating or has
21 violated Section 11-501 or a similar provision of a local
22 ordinance. These tests shall be conducted expeditiously in
23 the vicinity of the location in which the person was stopped
24 by a law enforcement officer trained to administer these
25 tests under standards set forth by the Illinois Law
26 Enforcement Training Standards Board. The results of the
27 field sobriety test or tests or the preliminary breath
28 screening test may be used by the law enforcement officer for
29 the purpose of assisting with the determination of whether to
30 require a chemical test as authorized under Sections 11-501.1
31 and 11-501.2, and the appropriate type of test to request.
32 The decision to administer a field sobriety test or tests or
33 a preliminary breath screening test shall at all times be in
34 the discretion of the law enforcement officer. Any chemical

1 test authorized under Sections 11-501.1 and 11-501.2 may be
2 requested by the officer regardless of the result of the
3 field sobriety test or tests or of the preliminary breath
4 screening test, if probable cause for an arrest otherwise
5 exists. The preliminary breath screening test shall be
6 administered in accordance with rules the Director of the
7 Illinois State Police may adopt. The result of a field
8 sobriety test or test or of a preliminary breath screening
9 test may be used by the defendant as evidence in any
10 administrative or court proceeding involving a violation of
11 Section 11-501 or 11-501.1 and may be used by the State as
12 evidence in any administrative or court proceeding to
13 establish probable cause for a violation of Section 11-501 or
14 in rebuttal to an assertion that a test conducted pursuant to
15 Section 11-501.1 did not accurately reflect a person's degree
16 of alcohol concentration in the person's breath or blood at
17 the time the person was in control of the motor vehicle.

18 For the purposes of this Section, a law enforcement
19 officer of this State who is investigating a person for any
20 offense set forth in Section 11-501 may travel to an
21 adjoining state to which the person has been transported for
22 medical care to complete an investigation and request that
23 the person submit to the test set forth in this Section.

24 (c) A person requested to submit to any test as provided
25 in subsection (b) of this Section shall be warned by the law
26 enforcement officer requesting the test prior to
27 administering the test or tests that a refusal to submit to
28 any test will result in the statutory summary suspension of
29 the person's privilege to operate a motor vehicle as provided
30 in Section 6-208.1 of this Code.

31 (d) If a person refuses to perform a field sobriety test
32 or tests or a preliminary breath screening test requested by
33 a law enforcement officer, the law enforcement officer shall
34 immediately submit a sworn report to the Secretary of State

1 on a form prescribed by the Secretary, certifying that the
2 test was requested under subsection (b) and that the person
3 refused to submit to the test.

4 (e) Upon receipt of the sworn report of a law
5 enforcement officer submitted under subsection (d), the
6 Secretary of State shall enter the statutory summary
7 suspension for the periods specified in Section 6-208.1, and
8 effective as provided in subsection (i). If the person is a
9 first offender as defined in Section 11-500 of this Code, and
10 is not convicted of a violation of Section 11-501 of this
11 Code or a similar provision of a local ordinance, then
12 reports received by the Secretary of State under this Section
13 shall, except during the actual time the statutory summary
14 suspension is in effect, be privileged information and for
15 use only by the courts, police officers, prosecuting
16 authorities, or the Secretary of State.

17 (f) The law enforcement officer submitting the sworn
18 report under subsection (d) shall serve immediate notice of
19 the statutory summary suspension on the person. The
20 suspension shall be effective on the 46th day following the
21 date the statutory summary suspension was given to the
22 person. Upon receipt of the sworn report from the law
23 enforcement officer, the Secretary of State shall confirm the
24 statutory summary suspension by mailing a notice of the
25 effective date of the suspension to the person and to the
26 court of venue if the person was given a citation at the time
27 of the notice of suspension by the law enforcement officer
28 and the person's driver's license was forwarded to the court.
29 If the sworn report is defective because it does not contain
30 sufficient information or it has been completed in error, the
31 confirmation of the statutory summary suspension must not be
32 mailed to the person or entered to the record; instead, the
33 sworn report must be returned to the issuing agency,
34 identifying any defect.

1 (g) A driver may contest the suspension of his or her
2 driving privileges by requesting an administrative hearing
3 with the Secretary in accordance with Section 2-118 of this
4 Code. The administrative hearing shall be held within 30
5 days of the request unless the person requests a continuance.
6 The petition for this hearing does not stay or delay the
7 effective date of the impending suspension. The scope of the
8 hearing shall be limited to the issues of:

9 (1) whether the officer had reasonable suspicion
10 based on specific and articulable facts and inferences
11 from those facts to believe that the person was driving
12 or in actual physical control of a motor vehicle upon the
13 public highways of this State while under the influence
14 of alcohol, another drug, or a combination of both, or
15 intoxicating compounds; and

16 (2) whether the person, after being advised by the
17 law enforcement officer that the privilege to operate a
18 motor vehicle would be suspended if the person refused to
19 submit to and complete a field sobriety test or tests or
20 a preliminary breath screening test, refused to submit to
21 or complete such test.

22 The hearing may be conducted upon a review of the law
23 enforcement officer's own official reports; however, the
24 person may subpoena the officer. Failure of the officer to
25 answer the subpoena shall be considered grounds for the
26 person to obtain a continuance if, in the opinion of the
27 hearing officer, the continuance is appropriate. At the
28 conclusion of the hearing, the Secretary may rescind,
29 continue or modify the order of suspension. If the Secretary
30 does not rescind the sanction, and the person is a first
31 offender as defined by Section 11-500, upon application being
32 made and good cause shown, the Secretary may issue the person
33 a restricted driving permit effective no sooner than the 31st
34 day following the date on which the statutory summary

1 suspension took effect. The restricted driving permit may be
2 granted to relieve undue hardship by allowing driving for
3 employment, educational, and medical purposes outlined in
4 item (3) of subsection (c) of Section 6-206 of this Code.
5 The provisions of item (3) of subsection (c) of Section 6-206
6 shall apply.

7 (h) When specific and articulable facts and the
8 inferences from those facts give rise to a rational basis for
9 concluding that the driver of a vehicle is impaired from
10 alcohol, drugs, intoxicating compounds or a combination of
11 them to the extent that the continued operation of the
12 vehicle by the driver would constitute a clear and present
13 danger to any person, the law enforcement officer may secure
14 the driver's vehicle for up to 24 hours. For the purpose of
15 this subsection, "secure" means that the officer may: (i)
16 direct the driver not to operate the vehicle; (ii) take
17 possession of the driver's vehicle keys, (iii) impound the
18 vehicle, or (iv) take other reasonable steps to ensure the
19 driver does not operate the vehicle. If the vehicle is
20 impounded, the driver shall be liable for all costs of
21 impoundment. The law enforcement officer may release the
22 vehicle to a person other than the driver if: (i) that other
23 person is the owner or renter of the vehicle or the driver is
24 owner of the vehicle and gives permission to the other person
25 to operate the vehicle and (ii) the other person possesses a
26 valid operator's license and would not, as determined by the
27 law enforcement officer, either have a lack of ability to
28 operate the vehicle in a safe manner or be operating the
29 vehicle in violation of this Code.

30 Section 10. The Unified Code of Corrections is amended
31 by changing Section 5-6-1 as follows:

32 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

1 Sec. 5-6-1. Sentences of Probation and of Conditional
2 Discharge and Disposition of Supervision. The General
3 Assembly finds that in order to protect the public, the
4 criminal justice system must compel compliance with the
5 conditions of probation by responding to violations with
6 swift, certain and fair punishments and intermediate
7 sanctions. The Chief Judge of each circuit shall adopt a
8 system of structured, intermediate sanctions for violations
9 of the terms and conditions of a sentence of probation,
10 conditional discharge or disposition of supervision.

11 (a) Except where specifically prohibited by other
12 provisions of this Code, the court shall impose a sentence of
13 probation or conditional discharge upon an offender unless,
14 having regard to the nature and circumstance of the offense,
15 and to the history, character and condition of the offender,
16 the court is of the opinion that:

17 (1) his imprisonment or periodic imprisonment is
18 necessary for the protection of the public; or

19 (2) probation or conditional discharge would
20 deprecate the seriousness of the offender's conduct and
21 would be inconsistent with the ends of justice.

22 The court shall impose as a condition of a sentence of
23 probation, conditional discharge, or supervision, that the
24 probation agency may invoke any sanction from the list of
25 intermediate sanctions adopted by the chief judge of the
26 circuit court for violations of the terms and conditions of
27 the sentence of probation, conditional discharge, or
28 supervision, subject to the provisions of Section 5-6-4 of
29 this Act.

30 (b) The court may impose a sentence of conditional
31 discharge for an offense if the court is of the opinion that
32 neither a sentence of imprisonment nor of periodic
33 imprisonment nor of probation supervision is appropriate.

34 (c) The court may, upon a plea of guilty or a

1 stipulation by the defendant of the facts supporting the
2 charge or a finding of guilt, defer further proceedings and
3 the imposition of a sentence, and enter an order for
4 supervision of the defendant, if the defendant is not charged
5 with a Class A misdemeanor, as defined by the following
6 provisions of the Criminal Code of 1961: Sections 12-3.2;
7 12-15; 31-1; 31-6; 31-7; subsections (b) and (c) of Section
8 21-1; paragraph (1) through (5), (8), (10), and (11) of
9 subsection (a) of Section 24-1; and Section 1 of the Boarding
10 Aircraft With Weapon Act; or a felony. If the defendant is
11 not barred from receiving an order for supervision as
12 provided in this subsection, the court may enter an order for
13 supervision after considering the circumstances of the
14 offense, and the history, character and condition of the
15 offender, if the court is of the opinion that:

16 (1) the offender is not likely to commit further
17 crimes;

18 (2) the defendant and the public would be best
19 served if the defendant were not to receive a criminal
20 record; and

21 (3) in the best interests of justice an order of
22 supervision is more appropriate than a sentence otherwise
23 permitted under this Code.

24 (d) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Section 11-501 of the
26 Illinois Vehicle Code or a similar provision of a local
27 ordinance when the defendant has previously been:

28 (1) convicted for a violation of Section 11-501 of
29 the Illinois Vehicle Code or a similar provision of a
30 local ordinance or any similar law or ordinance of
31 another state; or

32 (2) assigned supervision for a violation of Section
33 11-501 of the Illinois Vehicle Code or a similar
34 provision of a local ordinance or any similar law or

1 ordinance of another state; or

2 (3) pleaded guilty to or stipulated to the facts
3 supporting a charge or a finding of guilty to a violation
4 of Section 11-503 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance or any similar law
6 or ordinance of another state, and the plea or
7 stipulation was the result of a plea agreement.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (e) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Section 16A-3 of the
13 Criminal Code of 1961 if said defendant has within the last 5
14 years been:

15 (1) convicted for a violation of Section 16A-3 of
16 the Criminal Code of 1961; or

17 (2) assigned supervision for a violation of Section
18 16A-3 of the Criminal Code of 1961 or similar provision
19 of an out-of-state jurisdiction.

20 The court shall consider the statement of the prosecuting
21 authority with regard to the standards set forth in this
22 Section.

23 (f) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Sections 15-111, 15-112,
25 15-301, paragraph (b) of Section 6-104, Section 11-605, or
26 Section 11-1414 of the Illinois Vehicle Code or a similar
27 provision of a local ordinance or out-of-state jurisdiction.

28 (g) Except as otherwise provided in paragraph (i) of
29 this Section, the provisions of paragraph (c) shall not apply
30 to a defendant charged with violating Section 3-707, 3-708,
31 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
32 provision of a local ordinance if the defendant has within
33 the last 5 years been:

34 (1) convicted for a violation of Section 3-707,

1 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or
2 a similar provision of a local ordinance or out-of-state
3 jurisdiction; or

4 (2) assigned supervision for a violation of Section
5 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
6 Code or a similar provision of a local ordinance or
7 out-of-state jurisdiction.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (h) The provisions of paragraph (c) shall not apply to a
12 defendant under the age of 21 years charged with violating a
13 serious traffic offense as defined in Section 1-187.001 of
14 the Illinois Vehicle Code:

15 (1) unless the defendant, upon payment of the
16 fines, penalties, and costs provided by law, agrees to
17 attend and successfully complete a traffic safety program
18 approved by the court under standards set by the
19 Conference of Chief Circuit Judges. The accused shall be
20 responsible for payment of any traffic safety program
21 fees. If the accused fails to file a certificate of
22 successful completion on or before the termination date
23 of the supervision order, the supervision shall be
24 summarily revoked and conviction entered. The provisions
25 of Supreme Court Rule 402 relating to pleas of guilty do
26 not apply in cases when a defendant enters a guilty plea
27 under this provision; or

28 (2) if the defendant has previously been sentenced
29 under the provisions of paragraph (c) on or after January
30 1, 1998 for any serious traffic offense as defined in
31 Section 1-187.001 of the Illinois Vehicle Code.

32 (i) The provisions of paragraph (c) shall not apply to a
33 defendant charged with violating Section 3-707 of the
34 Illinois Vehicle Code or a similar provision of a local

1 ordinance if the defendant has been assigned supervision for
2 a violation of Section 3-707 of the Illinois Vehicle Code or
3 a similar provision of a local ordinance or out-of-state
4 jurisdiction.

5 (j) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 6-303 of the
7 Illinois Vehicle Code or a similar provision of a local
8 ordinance or out-of-state jurisdiction when the revocation or
9 suspension was for a violation of Section 11-501 or a similar
10 provision of a local ordinance, a failure to submit to a
11 chemical test or tests of blood, breath, or urine pursuant to
12 violation of Section 11-501.1 or to a preliminary breath
13 screening test or a field sobriety test or tests pursuant to
14 Section 11-501.9 of the Illinois Vehicle Code, a violation of
15 or paragraph (b) of Section 11-401 of the Illinois Vehicle
16 Code, or a violation of Section 9-3 of the Criminal Code of
17 1961 if the defendant has within the last 10 years been:

18 (1) convicted for a violation of Section 6-303 of
19 the Illinois Vehicle Code or a similar provision of a
20 local ordinance or out-of-state jurisdiction; or

21 (2) assigned supervision for a violation of Section
22 6-303 of the Illinois Vehicle Code or a similar provision
23 of a local ordinance or out-of-state jurisdiction.

24 (Source: P.A. 90-369, eff. 1-1-98; 90-738, eff. 1-1-99;
25 90-784, eff. 1-1-99; 91-114, eff. 1-1-00; 91-357, eff.
26 7-29-99.)

27 Section 99. Effective date. This Act takes effect on
28 July 1, 2001.

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Statutes amended in order of appearance

- 625 ILCS 5/6-113 from Ch. 95 1/2, par. 6-113
- 625 ILCS 5/6-118 from Ch. 95 1/2, par. 6-118
- 625 ILCS 5/6-203.1 from Ch. 95 1/2, par. 6-203.1
- 625 ILCS 5/6-206 from Ch. 95 1/2, par. 6-206
- 625 ILCS 5/6-208.1 from Ch. 95 1/2, par. 6-208.1
- 625 ILCS 5/6-303 from Ch. 95 1/2, par. 6-303
- 625 ILCS 5/11-500 from Ch. 95 1/2, par. 11-500
- 625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501
- 625 ILCS 5/11-501.9 new
- 730 ILCS 5/5-6-1 from Ch. 38, par. 1005-6-1