

1 AN ACT regarding vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 2-118.1, 5-103, 6-117, 6-118, 6-204, 6-206,
6 6-208, and 7-604 as follows:

7 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

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

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

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22 summary suspension rescinded.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

31 The hearing may be conducted upon a review of the law

1 enforcement officer's own official reports; provided however,
 2 that the person may subpoena the officer. Failure of the
 3 officer to answer the subpoena shall be considered grounds
 4 for a continuance if in the court's discretion the
 5 continuance is appropriate.

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

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

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

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

25 4. Whether the person, after being advised by the
 26 officer that the privilege to operate a motor vehicle
 27 would be suspended if the person submits to a chemical
 28 test, or tests, and the test discloses an alcohol
 29 concentration of 0.08 or more, or any amount of a drug,
 30 substance, or compound in the person's blood or urine
 31 resulting from the unlawful use or consumption of
 32 cannabis listed in the Cannabis Control Act, or a
 33 controlled substance listed in the Illinois Controlled
 34 Substances Act, or an intoxicating compound as listed in

1 the use of Intoxicating Compounds Act, and the person did
2 submit to and complete the test or tests that determined
3 an alcohol concentration of 0.08 or more.

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

10 (Source: P.A. 89-156, eff. 1-1-96; 90-43, eff. 7-2-97.)

11 (625 ILCS 5/5-103) (from Ch. 95 1/2, par. 5-103)

12 Sec. 5-103. (a) Every new vehicle manufacturer shall
13 specify the delivery and preparation obligations of its
14 vehicle dealers prior to delivery of new vehicles to retail
15 buyers. A copy of the delivery and preparation obligations of
16 its dealers shall be filed with the Secretary of State by
17 every vehicle manufacturer and shall constitute the vehicle
18 dealer's only responsibility for product liability as between
19 the dealer and the manufacturer. A manufacturer's product or
20 warranty liability to the dealer shall extend to any
21 mechanical, body or parts defect constituting a breach of any
22 express or implied warranty of the manufacturer. The
23 manufacturer shall reasonably compensate any authorized
24 dealer who rectifies a defect which constitutes a breach of
25 any express or implied warranty of the manufacturer and for
26 preparation and delivery obligations. Every dealer shall
27 perform the preparation and get ready services specified by
28 the manufacturer to be performed prior to the delivery of the
29 new vehicle to the buyer.

30 (b) The owner of the vehicle may cause the vehicle to be
31 inspected according to this Section and have the original
32 manufacturer's warranty reinstated if the vehicle is a theft
33 recovery that has been salvaged and is recovered without

1 structural damage or missing essential parts, excluding
2 wheels, damage to the steering column, and radios provided
3 the owner:

4 (1) Submits the vehicle to a franchised dealer for
5 a complete inspection, including fluids, frame, essential
6 parts, and other items deemed by the manufacturer as
7 essential for verification of the condition of the
8 vehicle at the time of recovery.

9 (2) Submits a copy of the police recovery report to
10 the inspecting dealer.

11 (3) Paid the inspection fee charged by the
12 franchised dealer.

13 The manufacturer shall reinstate the original
14 manufacturer's warranty if a vehicle is certified by a
15 franchised dealer as having complied with the provisions of
16 this Section. The manufacturer shall, in addition to
17 reinstating the warranty, provide the owner with a written
18 statement indicating that the original manufacturer's
19 warranty has been reinstated.

20 ~~(c) Any-licensed-vehicle-dealer-that-offers,7-provides-or
21 sells-in-house-and-or--self-insured--extended--warranties--or
22 service---contracts,7---other---than---those--of--the--vehicle
23 manufacturer,7-shall retain-adequate-reserves-or-insurance-for
24 the-protection-of-the-purchasing-consumer.--The-Secretary--of
25 State---shall---provide---by--rule--and--regulation--for--the
26 implementation-of-this-requirement.~~

27 Nothing in this Section shall affect a cause of action a
28 buyer may have against a dealer or manufacturer under present
29 applicable statutory or case law.

30 (Source: P.A. 89-189, eff. 1-1-96.)

31 (625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)

32 Sec. 6-117. Records to be kept by the Secretary of
33 State.

1 (a) The Secretary of State shall file every application
2 for a license or permit accepted under this Chapter, and
3 shall maintain suitable indexes thereof. The records of the
4 Secretary of State shall indicate the action taken with
5 respect to such applications.

6 (b) The Secretary of State shall maintain appropriate
7 records of all licenses and permits refused, cancelled,
8 revoked or suspended and of the revocation and suspension of
9 driving privileges of persons not licensed under this
10 Chapter, and such records shall note the reasons for such
11 action.

12 (c) The Secretary of State shall maintain appropriate
13 records of convictions reported under this Chapter. Records
14 of conviction may be maintained in a computer processible
15 medium.

16 (d) The Secretary of State may also maintain appropriate
17 records of any accident reports received.

18 (e) The Secretary of State shall also maintain
19 appropriate records of any disposition of supervision or
20 records relative to a driver's referral to a driver remedial
21 or rehabilitative program, as required by the Secretary of
22 State or the courts. Such records shall only be available
23 for use by the Secretary, law enforcement agencies, the
24 courts, and the affected driver or, upon proper verification,
25 such affected driver's attorney.

26 (f) The Secretary of State shall also maintain or
27 contract to maintain appropriate records of all photographs
28 and signatures obtained in the process of issuing any
29 driver's license, permit, or identification card. The record
30 shall be confidential and shall not be disclosed except to
31 those entities listed under Section 6-110.1 of this Code.

32 (Source: P.A. 90-191, eff. 1-1-98.)

33 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

1 Sec. 6-118. Fees.

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

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

5 Original or renewal driver's license
6 issued to 18, 19 and 20 year olds.....5

7 All driver's licenses for persons
8 age 69 through age 80.....5

9 All driver's licenses for persons
10 age 81 through age 86.....2

11 All driver's licenses for persons
12 age 87 or older.....0

13 Renewal driver's license (except for
14 applicants ages 18, 19 and 20 or
15 age 69 and older).....10

16 Original instruction permit issued to
17 persons (except those age 69 and older)
18 who do not hold or have not previously
19 held an Illinois instruction permit or
20 driver's license.....20

21 Instruction permit issued to any person
22 holding an Illinois driver's license
23 who wishes a change in classifications,
24 other than at the time of renewal.....5

25 Any instruction permit issued to a person
26 age 69 and older.....5

27 Instruction permit issued to any person,
28 under age 69, not currently holding a
29 valid Illinois driver's license or
30 instruction permit but who has
31 previously been issued either document
32 in Illinois.....10

33 Restricted driving permit.....8

34 Duplicate or corrected driver's license

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

5 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

8 Commercial driver's license:

- 9 \$6 for the CDLIS/AAMVAnet Fund
- 10 (Commercial Driver's License Information
- 11 System/American Association of Motor Vehicle
- 12 Administrators network Trust Fund);
- 13 \$20 for the Motor Carrier Safety Inspection Fund;
- 14 \$10 for the driver's license;
- 15 and \$24 for the CDL:.....\$60

16 Renewal commercial driver's license:

- 17 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 18 \$20 for the Motor Carrier Safety Inspection Fund;
- 19 \$10 for the driver's license; and
- 20 \$24 for the CDL:.....\$60

21 Commercial driver instruction permit

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

30 Commercial driver instruction permit

- 31 issued to any person holding a valid
- 32 Illinois CDL for the purpose of
- 33 making a change in a classification,
- 34 endorsement or restriction.....\$5

1 CDL duplicate or corrected license.....\$5

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

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

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

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

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

26 However, any person whose license or privilege to operate
27 a motor vehicle in this State has been suspended or revoked
28 for a second or subsequent time for a violation of Section
29 11-501 or 11-501.1 of this Code or a similar provision of a
30 local ordinance or a similar out-of-state offense or Section
31 9-3 of the Criminal Code of 1961 and each suspension or
32 revocation was for a violation of Section 11-501 or 11-501.1
33 of this Code or a similar provision of a local ordinance or a
34 similar out-of-state offense or Section 9-3 of the Criminal

1 Code of 1961 shall pay, in addition to any other fees
2 required by this Code, a reinstatement fee as follows:

3 Summary suspension under Section 11-501.1.....\$250

4 Revocation.....\$250

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

8 1. The following amounts shall be paid into the
9 Driver Education Fund:

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

12 (B) \$5 of the \$10 fee for an original driver's
13 license;

14 (C) \$5 of the \$10 fee for a 4 year renewal
15 driver's license; and

16 (D) \$4 of the \$8 fee for a restricted driving
17 permit.

18 2. \$30 of the \$60 fee for reinstatement of a license
19 summarily suspended under Section 11-501.1 shall be
20 deposited into the Drunk and Drugged Driving Prevention
21 Fund. However, for a person whose license or privilege
22 to operate a motor vehicle in this State has been
23 suspended or revoked for a second or subsequent time for
24 a violation of Section 11-501 or 11-501.1 of this Code or
25 Section 9-3 of the Criminal Code of 1961, \$190 of the
26 \$250 fee for reinstatement of a license summarily
27 suspended under Section 11-501.1, and \$190 of the \$250
28 fee for reinstatement of a revoked license shall be
29 deposited into the Drunk and Drugged Driving Prevention
30 Fund.

31 3. \$6 of such original or renewal fee for a
32 commercial driver's license and \$6 of the commercial
33 driver instruction permit fee when such permit is issued
34 to any person holding a valid Illinois driver's license,

1 shall be paid into the CDLIS/AAMVAnet Trust Fund.

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

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

8 6. \$20 of any original or renewal fee for a
9 commercial driver's license or commercial driver
10 instruction permit shall be paid into the Motor Carrier
11 Safety Inspection Fund.

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

14 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

15 Sec. 6-204. When Court to forward License and Reports.

16 (a) For the purpose of providing to the Secretary of
17 State the records essential to the performance of the
18 Secretary's duties under this Code to cancel, revoke or
19 suspend the driver's license and privilege to drive motor
20 vehicles of certain minors adjudicated truant minors in need
21 of supervision, addicted, or delinquent and of persons found
22 guilty of the criminal offenses or traffic violations which
23 this Code recognizes as evidence relating to unfitness to
24 safely operate motor vehicles, the following duties are
25 imposed upon public officials:

26 (1) Whenever any person is convicted of any offense
27 for which this Code makes mandatory the cancellation or
28 revocation of the driver's license or permit of such
29 person by the Secretary of State, the judge of the court
30 in which such conviction is had shall require the
31 surrender to the clerk of the court of all driver's
32 licenses or permits then held by the person so convicted,
33 and the clerk of the court shall, within 10 days

1 thereafter, forward the same, together with a report of
2 such conviction, to the Secretary.

3 (2) Whenever any person is convicted of any offense
4 under this Code or similar offenses under a municipal
5 ordinance, other than regulations governing standing,
6 parking or weights of vehicles, and excepting the
7 following enumerated Sections of this Code: Sections
8 11-1406 (obstruction to driver's view or control),
9 11-1407 (improper opening of door into traffic), 11-1410
10 (coasting on downgrade), 11-1411 (following fire
11 apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101
12 (driving vehicle which is in unsafe condition or
13 improperly equipped), 12-201(a) (daytime lights on
14 motorcycles), 12-202 (clearance, identification and side
15 marker lamps), 12-204 (lamp or flag on projecting load),
16 12-205 (failure to display the safety lights required),
17 12-401 (restrictions as to tire equipment), 12-502
18 (mirrors), 12-503 (windshields must be unobstructed and
19 equipped with wipers), 12-601 (horns and warning
20 devices), 12-602 (mufflers, prevention of noise or
21 smoke), 12-603 (seat safety belts), 12-702 (certain
22 vehicles to carry flares or other warning devices),
23 12-703 (vehicles for oiling roads operated on highways),
24 12-710 (splash guards and replacements), 13-101 (safety
25 tests), 15-101 (size, weight and load), 15-102 (width),
26 15-103 (height), 15-104 (name and address on second
27 division vehicles), 15-107 (length of vehicle), 15-109.1
28 (cover or tarpaulin), 15-111 (weights), 15-112 (weights),
29 15-301 (weights), 15-316 (weights), 15-318 (weights), and
30 also excepting the following enumerated Sections of the
31 Chicago Municipal Code: Sections 27-245 (following fire
32 apparatus), 27-254 (obstruction of traffic), 27-258
33 (driving vehicle which is in unsafe condition), 27-259
34 (coasting on downgrade), 27-264 (use of horns and signal

1 devices), 27-265 (obstruction to driver's view or driver
2 mechanism), 27-267 (dimming of headlights), 27-268
3 (unattended motor vehicle), 27-272 (illegal funeral
4 procession), 27-273 (funeral procession on boulevard),
5 27-275 (driving freight hauling vehicles on boulevard),
6 27-276 (stopping and standing of buses or taxicabs),
7 27-277 (cruising of public passenger vehicles), 27-305
8 (parallel parking), 27-306 (diagonal parking), 27-307
9 (parking not to obstruct traffic), 27-308 (stopping,
10 standing or parking regulated), 27-311 (parking
11 regulations), 27-312 (parking regulations), 27-313
12 (parking regulations), 27-314 (parking regulations),
13 27-315 (parking regulations), 27-316 (parking
14 regulations), 27-317 (parking regulations), 27-318
15 (parking regulations), 27-319 (parking regulations),
16 27-320 (parking regulations), 27-321 (parking
17 regulations), 27-322 (parking regulations), 27-324
18 (loading and unloading at an angle), 27-333 (wheel and
19 axle loads), 27-334 (load restrictions in the downtown
20 district), 27-335 (load restrictions in residential
21 areas), 27-338 (width of vehicles), 27-339 (height of
22 vehicles), 27-340 (length of vehicles), 27-352
23 (reflectors on trailers), 27-353 (mufflers), 27-354
24 (display of plates), 27-355 (display of city vehicle tax
25 sticker), 27-357 (identification of vehicles), 27-358
26 (projecting of loads), and also excepting the following
27 enumerated paragraphs of Section 2-201 of the Rules and
28 Regulations of the Illinois State Toll Highway Authority:
29 (l) (driving unsafe vehicle on tollway), (m) (vehicles
30 transporting dangerous cargo not properly indicated), it
31 shall be the duty of the clerk of the court in which such
32 conviction is had within 10 days thereafter to forward to
33 the Secretary of State a report of the conviction and the
34 court may recommend the suspension of the driver's

1 license or permit of the person so convicted.

2 The reporting requirements of this subsection shall apply
3 to all violations stated in paragraphs (1) and (2) of this
4 subsection when the individual has been adjudicated under the
5 Juvenile Court Act or the Juvenile Court Act of 1987. Such
6 reporting requirements shall also apply to individuals
7 adjudicated under the Juvenile Court Act or the Juvenile
8 Court Act of 1987 who have committed a violation of Section
9 11-501 of this Code, or similar provision of a local
10 ordinance, or Section 9-3 of the Criminal Code of 1961, as
11 amended, relating to the offense of reckless homicide. The
12 reporting requirements of this subsection shall also apply to
13 a truant minor in need of supervision, an addicted minor, or
14 a delinquent minor and whose driver's license and privilege
15 to drive a motor vehicle has been ordered suspended for such
16 times as determined by the Court, but only until he or she
17 attains 18 years of age. It shall be the duty of the clerk
18 of the court in which adjudication is had within 10 days
19 thereafter to forward to the Secretary of State a report of
20 the adjudication and the court order requiring the Secretary
21 of State to suspend the minor's driver's license and driving
22 privilege for such time as determined by the Court, but only
23 until he or she attains the age of 18 years. All juvenile
24 court dispositions reported to the Secretary of State under
25 this provision shall be processed by the Secretary of State
26 as if the cases had been adjudicated in traffic or criminal
27 court. However, information reported relative to the offense
28 of reckless homicide, or Section 11-501 of this Code, or a
29 similar provision of a local ordinance, shall be privileged
30 and available only to the Secretary of State, courts, and
31 police officers.

32 (3) Whenever an order is entered vacating the
33 forfeiture of any bail, security or bond given to secure
34 appearance for any offense under this Code or similar

1 offenses under municipal ordinance, it shall be the duty
2 of the clerk of the court in which such vacation was had
3 or the judge of such court if such court has no clerk,
4 within 10 days thereafter to forward to the Secretary of
5 State a report of the vacation.

6 (4) A report of any disposition of court
7 supervision for a violation of Sections 6-303, 11-401,
8 11-501 or a similar provision of a local ordinance,
9 11-503 and 11-504 shall be forwarded to the Secretary of
10 State. A report of any disposition of court supervision
11 for a violation of an offense defined as a serious
12 traffic violation in this Code or a similar provision of
13 a local ordinance committed by a person under the age of
14 21 years shall be forwarded to the Secretary of State.

15 (5) Reports of conviction under this Code and
16 sentencing hearings hearing under the Juvenile Court Act
17 of 1987 in an electronic format or a computer processible
18 medium shall be forwarded to the Secretary of State via
19 the Supreme Court in the form and format required by the
20 Illinois Supreme Court and established by a written
21 agreement between the Supreme Court and the Secretary of
22 State. In counties with a population over 300,000,
23 instead of forwarding reports to the Supreme Court,
24 reports of conviction under this Code and sentencing
25 hearings hearing under the Juvenile Court Act of 1987 in
26 an electronic format or a computer processible medium may
27 be forwarded to the Secretary of State by the Circuit
28 Court Clerk in a form and format required by the
29 Secretary of State and established by written agreement
30 between the Circuit Court Clerk and the Secretary of
31 State. Failure to forward the reports of conviction or
32 sentencing hearing under the Juvenile Court Act of 1987
33 as required by this Section shall be deemed an omission
34 of duty and it shall be the duty of the several State's

1 Attorneys to enforce the requirements of this Section.

2 (b) Whenever a restricted driving permit is forwarded to
3 a court, as a result of confiscation by a police officer
4 pursuant to the authority in Section 6-113(f), it shall be
5 the duty of the clerk, or judge, if the court has no clerk,
6 to forward such restricted driving permit and a facsimile of
7 the officer's citation to the Secretary of State as
8 expeditiously as practicable.

9 (c) For the purposes of this Code, a forfeiture of bail
10 or collateral deposited to secure a defendant's appearance in
11 court when forfeiture has not been vacated, or the failure of
12 a defendant to appear for trial after depositing his driver's
13 license in lieu of other bail, shall be equivalent to a
14 conviction.

15 (d) For the purpose of providing the Secretary of State
16 with records necessary to properly monitor and assess driver
17 performance and assist the courts in the proper disposition
18 of repeat traffic law offenders, the clerk of the court shall
19 forward to the Secretary of State, ~~on either on paper or in~~
20 ~~an electronic format,~~ in a form prescribed by the Secretary,
21 records of ~~any disposition of court supervision for any~~
22 ~~traffic violation, excluding those listed in paragraph (a)(2)~~
23 ~~of this Section, or records of~~ a driver's participation in a
24 driver remedial or rehabilitative program which was required,
25 through a court order or court supervision, in relation to
26 the driver's arrest for a violation of Section 11-501 of this
27 Code or a similar provision of a local ordinance. The clerk
28 of the court shall also forward to the Secretary, either on
29 paper or in an electronic format or a computer processible
30 medium as required under paragraph (5) of subsection (a) of
31 this Section, any disposition of court supervision for any
32 traffic violation, excluding those offenses listed in
33 paragraph (2) of subsection (a) of this Section. These
34 reports shall be sent within 10 days after disposition, or,

1 if the driver is referred to a driver remedial or
2 rehabilitative program, within 10 days of the driver's
3 referral to that program. These reports received by the
4 Secretary of State, including those required to be forwarded
5 under paragraph (a)(4), shall be privileged information,
6 available only (i) to the affected driver and (ii) for use by
7 the courts, police officers, prosecuting authorities, and the
8 Secretary of State.

9 (Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99;
10 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.)

11 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

18 1. Has committed an offense for which mandatory
19 revocation of a driver's license or permit is required
20 upon conviction;

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

26 3. Has been repeatedly involved as a driver in
27 motor vehicle collisions or has been repeatedly convicted
28 of offenses against laws and ordinances regulating the
29 movement of traffic, to a degree that indicates lack of
30 ability to exercise ordinary and reasonable care in the
31 safe operation of a motor vehicle or disrespect for the
32 traffic laws and the safety of other persons upon the
33 highway;

1 4. Has by the unlawful operation of a motor vehicle
2 caused or contributed to an accident resulting in death
3 or injury requiring immediate professional treatment in a
4 medical facility or doctor's office to any person, except
5 that any suspension or revocation imposed by the
6 Secretary of State under the provisions of this
7 subsection shall start no later than 6 months after being
8 convicted of violating a law or ordinance regulating the
9 movement of traffic, which violation is related to the
10 accident, or shall start not more than one year after the
11 date of the accident, whichever date occurs later;

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

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

18 7. Has refused or failed to submit to an
19 examination provided for by Section 6-207 or has failed
20 to pass the examination;

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

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

27 10. Has possessed, displayed, or attempted to
28 fraudulently use any license, identification card, or
29 permit not issued to the person;

30 11. Has operated a motor vehicle upon a highway of
31 this State when the person's driving privilege or
32 privilege to obtain a driver's license or permit was
33 revoked or suspended unless the operation was authorized
34 by a judicial driving permit, probationary license to

1 drive, or a restricted driving permit issued under this
2 Code;

3 12. Has submitted to any portion of the application
4 process for another person or has obtained the services
5 of another person to submit to any portion of the
6 application process for the purpose of obtaining a
7 license, identification card, or permit for some other
8 person;

9 13. Has operated a motor vehicle upon a highway of
10 this State when the person's driver's license or permit
11 was invalid under the provisions of Sections 6-107.1 and
12 6-110;

13 14. Has committed a violation of Section 6-301,
14 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
15 14B of the Illinois Identification Card Act;

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

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

22 17. Has refused to submit to a test, or tests, as
23 required under Section 11-501.1 of this Code and the
24 person has not sought a hearing as provided for in
25 Section 11-501.1;

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

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

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

34 21. Has been convicted of violating Section 11-402

1 of this Code relating to leaving the scene of an accident
2 resulting in damage to a vehicle in excess of \$1,000, in
3 which case the suspension shall be for one year;

4 22. Has used a motor vehicle in violating paragraph
5 (3), (4), (7), or (9) of subsection (a) of Section 24-1
6 of the Criminal Code of 1961 relating to unlawful use of
7 weapons, in which case the suspension shall be for one
8 year;

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

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

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

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

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

28 28. Has been convicted of the illegal possession,
29 while operating or in actual physical control, as a
30 driver, of a motor vehicle, of any controlled substance
31 prohibited under the Illinois Controlled Substances Act
32 or any cannabis prohibited under the provisions of the
33 Cannabis Control Act, in which case the person's driving
34 privileges shall be suspended for one year, and any

1 driver who is convicted of a second or subsequent
2 offense, within 5 years of a previous conviction, for the
3 illegal possession, while operating or in actual physical
4 control, as a driver, of a motor vehicle, of any
5 controlled substance prohibited under the provisions of
6 the Illinois Controlled Substances Act or any cannabis
7 prohibited under the Cannabis Control Act shall be
8 suspended for 5 years. Any defendant found guilty of this
9 offense while operating a motor vehicle, shall have an
10 entry made in the court record by the presiding judge
11 that this offense did occur while the defendant was
12 operating a motor vehicle and order the clerk of the
13 court to report the violation to the Secretary of State;

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

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

29 31. Has refused to submit to a test as required by
30 Section 11-501.6 or has submitted to a test resulting in
31 an alcohol concentration of 0.08 or more or any amount of
32 a drug, substance, or compound resulting from the
33 unlawful use or consumption of cannabis as listed in the
34 Cannabis Control Act, or a controlled substance as listed

1 in the Illinois Controlled Substances Act, or an
2 intoxicating compound as listed in the use of
3 Intoxicating Compounds Act, in which case the penalty
4 shall be as prescribed in Section 6-208.1;

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

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

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

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

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

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

31 (b) If any conviction forming the basis of a suspension
32 or revocation authorized under this Section is appealed, the
33 Secretary of State may rescind or withhold the entry of the
34 order of suspension or revocation, as the case may be,

1 provided that a certified copy of a stay order of a court is
2 filed with the Secretary of State. If the conviction is
3 affirmed on appeal, the date of the conviction shall relate
4 back to the time the original judgment of conviction was
5 entered and the 6 month limitation prescribed shall not
6 apply.

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

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

1 Secretary of State prior to the date of suspension, the
2 privilege to drive any motor vehicle shall be suspended
3 as set forth in the notice that was mailed under this
4 Section. If an affidavit is received subsequent to the
5 effective date of this suspension, a permit may be issued
6 for the remainder of the suspension period.

7 The provisions of this subparagraph shall not apply
8 to any driver required to obtain a commercial driver's
9 license under Section 6-507 during the period of a
10 disqualification of commercial driving privileges under
11 Section 6-514.

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

17 3. At the conclusion of a hearing under Section
18 2-118 of this Code, the Secretary of State shall either
19 rescind or continue an order of revocation or shall
20 substitute an order of suspension; or, good cause
21 appearing therefor, rescind, continue, change, or extend
22 the order of suspension. If the Secretary of State does
23 not rescind the order, the Secretary may upon
24 application, to relieve undue hardship, issue a
25 restricted driving permit granting the privilege of
26 driving a motor vehicle between the petitioner's
27 residence and petitioner's place of employment or within
28 the scope of his employment related duties, or to allow
29 transportation for the petitioner, or a household member
30 of the petitioner's family, to receive necessary medical
31 care and if the professional evaluation indicates,
32 provide transportation for alcohol remedial or
33 rehabilitative activity, or for the petitioner to attend
34 classes, as a student, in an accredited educational

1 institution; if the petitioner is able to demonstrate
2 that no alternative means of transportation is reasonably
3 available and the petitioner will not endanger the public
4 safety or welfare. In each case the Secretary may issue a
5 restricted driving permit for a period deemed
6 appropriate, except that all permits shall expire within
7 one year from the date of issuance. A restricted driving
8 permit issued under this Section shall be subject to
9 cancellation, revocation, and suspension by the Secretary
10 of State in like manner and for like cause as a driver's
11 license issued under this Code may be cancelled, revoked,
12 or suspended; except that a conviction upon one or more
13 offenses against laws or ordinances regulating the
14 movement of traffic shall be deemed sufficient cause for
15 the revocation, suspension, or cancellation of a
16 restricted driving permit. The Secretary of State may, as
17 a condition to the issuance of a restricted driving
18 permit, require the applicant to participate in a
19 designated driver remedial or rehabilitative program. The
20 Secretary of State is authorized to cancel a restricted
21 driving permit if the permit holder does not successfully
22 complete the program.

23 (c-5) The Secretary of State may, as a condition of the
24 reissuance of a driver's license or permit to an applicant
25 ~~under--the--age--of--18--years~~ whose driver's license or permit
26 has been suspended before he or she reached the age of 18
27 years pursuant to any of the provisions of this Section,
28 require the applicant to participate in a driver remedial
29 education course and be retested under Section 6-109 of this
30 Code.

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

33 (e) The Secretary of State shall not issue a restricted
34 driving permit to a person under the age of 16 years whose

1 driving privileges have been suspended or revoked under any
2 provisions of this Code.

3 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95;
4 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff.
5 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

6 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

7 Sec. 6-208. Period of Suspension - Application After
8 Revocation.

9 (a) Except as otherwise provided by this Code or any
10 other law of this State, the Secretary of State shall not
11 suspend a driver's license, permit or privilege to drive a
12 motor vehicle on the highways for a period of more than one
13 year.

14 (b) Any person whose license, permit or privilege to
15 drive a motor vehicle on the highways has been revoked shall
16 not be entitled to have such license, permit or privilege
17 renewed or restored. However, such person may, except as
18 provided under subsection (d) of Section 6-205, make
19 application for a license pursuant to Section 6-106 (i) if
20 the revocation was for a cause which has been removed or (ii)
21 as provided in the following subparagraphs:

22 1. Except as provided in subparagraphs 2, 3, and 4,
23 the person may make application for a license after the
24 expiration of one year from the effective date of the
25 revocation or, in the case of a violation of paragraph
26 (b) of Section 11-401 of this Code or a similar provision
27 of a local ordinance, after the expiration of 3 years
28 from the effective date of the revocation or, in the case
29 of a violation of Section 9-3 of the Criminal Code of
30 1961 relating to the offense of reckless homicide, after
31 the expiration of 2 years from the effective date of the
32 revocation.

33 2. If such person is convicted of committing a

1 second violation within a 20 year period of:

2 (A) Section 11-501 of this Code, or a similar
3 provision of a local ordinance; or

4 (B) Paragraph (b) of Section 11-401 of this
5 Code, or a similar provision of a local ordinance;
6 or

7 (C) Section 9-3 of the Criminal Code of 1961,
8 as amended, relating to the offense of reckless
9 homicide; or

10 (D) any combination of the above offenses
11 committed at different instances;

12 then such person may not make application for a license
13 until after the expiration of 5 years from the effective
14 date of the most recent revocation. The 20 year period
15 shall be computed by using the dates the offenses were
16 committed and shall also include similar out-of-state
17 offenses.

18 3. However, except as provided in subparagraph 4,
19 if such person is convicted of committing a third, or
20 subsequent, violation or any combination of the above
21 offenses, including similar out-of-state offenses,
22 contained in subparagraph 2, then such person may not
23 make application for a license until after the expiration
24 of 10 years from the effective date of the most recent
25 revocation.

26 4. The person may not make application for a
27 license if the person is convicted of committing a fourth
28 or subsequent violation of Section 11-501 of this Code or
29 a similar provision of a local ordinance, ~~paragraph--(b)~~
30 ~~of~~ Section 11-401 of this Code, Section 9-3 of the
31 Criminal Code of 1961, or a combination of these offenses
32 or similar provisions of local ordinances or similar
33 out-of-state offenses ~~if--the--original--revocation--or~~
34 ~~suspension--was--for--a--violation--of--Section-11-501--or~~

1 ~~11-501.1 of this Code or a similar provision of a local~~
2 ~~ordinance.~~

3 Notwithstanding any other provision of this Code, all
4 persons referred to in this paragraph (b) may not have their
5 privileges restored until the Secretary receives payment of
6 the required reinstatement fee pursuant to subsection (b) of
7 Section 6-118.

8 In no event shall the Secretary issue such license unless
9 and until such person has had a hearing pursuant to this Code
10 and the appropriate administrative rules and the Secretary is
11 satisfied, after a review or investigation of such person,
12 that to grant the privilege of driving a motor vehicle on the
13 highways will not endanger the public safety or welfare.
14 (Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99;
15 91-357, eff. 7-29-99.)

16 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

17 Sec. 7-604. Verification of liability insurance policy.

18 (a) The Secretary of State may select random samples of
19 registrations of motor vehicles subject to Section 7-601 of
20 this Code, or owners thereof, for the purpose of verifying
21 whether or not the motor vehicles are insured.

22 In addition to such general random samples of motor
23 vehicle registrations, the Secretary may select for
24 verification other random samples, including, but not limited
25 to registrations of motor vehicles owned by persons:

26 (1) whose motor vehicle registrations during the
27 preceding 4 years have been suspended pursuant to Section
28 7-606 or 7-607 of this Code;

29 (2) who during the preceding 4 years have been
30 convicted of violating Section 3-707, 3-708 or 3-710 of
31 this Code while operating vehicles owned by other
32 persons;

33 (3) whose driving privileges have been suspended

1 during the preceding 4 years;

2 (4) who during the preceding 4 years acquired
3 ownership of motor vehicles while the registrations of
4 such vehicles under the previous owners were suspended
5 pursuant to Section 7-606 or 7-607 of this Code; or

6 (5) who during the preceding 4 years have received
7 a disposition of supervision under subsection (c) of
8 Section 5-6-1 of the Unified Code of Corrections for a
9 violation of Section 3-707, 3-708, or 3-710 of this Code.

10 (b) Upon receiving certification from the Department of
11 Transportation under Section 7-201.2 of this Code of the name
12 of an owner or operator of any motor vehicle involved in an
13 accident, the Secretary may verify whether or not at the time
14 of the accident such motor vehicle was covered by a liability
15 insurance policy in accordance with Section 7-601 of this
16 Code.

17 (c) In preparation for selection of random samples and
18 their verification, the Secretary may send to owners of
19 randomly selected motor vehicles, or to randomly selected
20 motor vehicle owners, requests for information about their
21 motor vehicles and liability insurance coverage. The request
22 shall require the owner to state whether or not the motor
23 vehicle was insured on the verification date stated in the
24 Secretary's request and the request may require, but is not
25 limited to, a statement by the owner of the names and
26 addresses of insurers, policy numbers, and expiration dates
27 of insurance coverage.

28 (d) Within 30 days after the Secretary mails a request,
29 the owner to whom it is sent shall furnish the requested
30 information to the Secretary above the owner's signed
31 affirmation that such information is true and correct. Proof
32 of insurance in effect on the verification date, as
33 prescribed by the Secretary, may be considered by the
34 Secretary to be a satisfactory response to the request for

1 information.

2 Any owner whose response indicates that his or her
3 vehicle was not covered by a liability insurance policy in
4 accordance with Section 7-601 of this Code shall be deemed to
5 have registered or maintained registration of a motor vehicle
6 in violation of that Section. Any owner who fails to respond
7 to such a request shall be deemed to have registered or
8 maintained registration of a motor vehicle in violation of
9 Section 7-601 of this Code.

10 (e) If the owner responds to the request for information
11 by asserting that his or her vehicle was covered by a
12 liability insurance policy on the verification date stated in
13 the Secretary's request, the Secretary may conduct a
14 verification of the response by furnishing necessary
15 information to the insurer named in the response. The
16 insurer shall within ~~45~~ 30 days inform the Secretary whether
17 or not on the verification date stated the motor vehicle was
18 insured by the insurer in accordance with Section 7-601 of
19 this Code. The Secretary may by rule and regulation prescribe
20 the procedures for verification.

21 (f) No random sample selected under this Section shall
22 be categorized on the basis of race, color, religion, sex,
23 national origin, ancestry, age, marital status, physical or
24 mental disability, economic status or geography.

25 (Source: P.A. 88-315; 88-685, eff. 1-24-95.)

26 Section 10. The Unified Code of Corrections is amended
27 by changing Section 5-6-3.1 as follows:

28 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

29 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

30 (a) When a defendant is placed on supervision, the court
31 shall enter an order for supervision specifying the period of
32 such supervision, and shall defer further proceedings in the

1 case until the conclusion of the period.

2 (b) The period of supervision shall be reasonable under
3 all of the circumstances of the case, but may not be longer
4 than 2 years, unless the defendant has failed to pay the
5 assessment required by Section 10.3 of the Cannabis Control
6 Act or Section 411.2 of the Illinois Controlled Substances
7 Act, in which case the court may extend supervision beyond 2
8 years. Additionally, the court shall order the defendant to
9 perform no less than 30 hours of community service and not
10 more than 120 hours of community service, if community
11 service is available in the jurisdiction and is funded and
12 approved by the county board where the offense was committed,
13 when the offense (1) was related to or in furtherance of the
14 criminal activities of an organized gang or was motivated by
15 the defendant's membership in or allegiance to an organized
16 gang; or (2) is a violation of any Section of Article 24 of
17 the Criminal Code of 1961 where a disposition of supervision
18 is not prohibited by Section 5-6-1 of this Code. The
19 community service shall include, but not be limited to, the
20 cleanup and repair of any damage caused by violation of
21 Section 21-1.3 of the Criminal Code of 1961 and similar
22 damages to property located within the municipality or county
23 in which the violation occurred. Where possible and
24 reasonable, the community service should be performed in the
25 offender's neighborhood.

26 For the purposes of this Section, "organized gang" has
27 the meaning ascribed to it in Section 10 of the Illinois
28 Streetgang Terrorism Omnibus Prevention Act.

29 (c) The court may in addition to other reasonable
30 conditions relating to the nature of the offense or the
31 rehabilitation of the defendant as determined for each
32 defendant in the proper discretion of the court require that
33 the person:

34 (1) make a report to and appear in person before or

1 participate with the court or such courts, person, or
2 social service agency as directed by the court in the
3 order of supervision;

4 (2) pay a fine and costs;

5 (3) work or pursue a course of study or vocational
6 training;

7 (4) undergo medical, psychological or psychiatric
8 treatment; or treatment for drug addiction or alcoholism;

9 (5) attend or reside in a facility established for
10 the instruction or residence of defendants on probation;

11 (6) support his dependents;

12 (7) refrain from possessing a firearm or other
13 dangerous weapon;

14 (8) and in addition, if a minor:

15 (i) reside with his parents or in a foster
16 home;

17 (ii) attend school;

18 (iii) attend a non-residential program for
19 youth;

20 (iv) contribute to his own support at home or
21 in a foster home; and

22 (9) make restitution or reparation in an amount not
23 to exceed actual loss or damage to property and pecuniary
24 loss or make restitution under Section 5-5-6 to a
25 domestic violence shelter. The court shall determine the
26 amount and conditions of payment;

27 (10) perform some reasonable public or community
28 service;

29 (11) comply with the terms and conditions of an
30 order of protection issued by the court pursuant to the
31 Illinois Domestic Violence Act of 1986 or an order of
32 protection issued by the court of another state, tribe,
33 or United States territory. If the court has ordered the
34 defendant to make a report and appear in person under

1 paragraph (1) of this subsection, a copy of the order of
2 protection shall be transmitted to the person or agency
3 so designated by the court;

4 (12) reimburse any "local anti-crime program" as
5 defined in Section 7 of the Anti-Crime Advisory Council
6 Act for any reasonable expenses incurred by the program
7 on the offender's case, not to exceed the maximum amount
8 of the fine authorized for the offense for which the
9 defendant was sentenced;

10 (13) contribute a reasonable sum of money, not to
11 exceed the maximum amount of the fine authorized for the
12 offense for which the defendant was sentenced, to a
13 "local anti-crime program", as defined in Section 7 of
14 the Anti-Crime Advisory Council Act;

15 (14) refrain from entering into a designated
16 geographic area except upon such terms as the court finds
17 appropriate. Such terms may include consideration of the
18 purpose of the entry, the time of day, other persons
19 accompanying the defendant, and advance approval by a
20 probation officer;

21 (15) refrain from having any contact, directly or
22 indirectly, with certain specified persons or particular
23 types of person, including but not limited to members of
24 street gangs and drug users or dealers;

25 (16) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Cannabis
27 Control Act or the Illinois Controlled Substances Act,
28 unless prescribed by a physician, and submit samples of
29 his or her blood or urine or both for tests to determine
30 the presence of any illicit drug;

31 (17) refrain from operating any motor vehicle not
32 equipped with an ignition interlock device as defined in
33 Section 1-129.1 of the Illinois Vehicle Code. Under this
34 condition the court may allow a defendant who is not

1 self-employed to operate a vehicle owned by the
2 defendant's employer that is not equipped with an
3 ignition interlock device in the course and scope of the
4 defendant's employment.

5 (d) The court shall defer entering any judgment on the
6 charges until the conclusion of the supervision.

7 (e) At the conclusion of the period of supervision, if
8 the court determines that the defendant has successfully
9 complied with all of the conditions of supervision, the court
10 shall discharge the defendant and enter a judgment dismissing
11 the charges.

12 (f) Discharge and dismissal upon a successful conclusion
13 of a disposition of supervision shall be deemed without
14 adjudication of guilt and shall not be termed a conviction
15 for purposes of disqualification or disabilities imposed by
16 law upon conviction of a crime. Two years after the
17 discharge and dismissal under this Section, unless the
18 disposition of supervision was for a violation of Sections
19 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
20 Vehicle Code or a similar provision of a local ordinance, or
21 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
22 Code of 1961, in which case it shall be 5 years after
23 discharge and dismissal, a person may have his record of
24 arrest sealed or expunged as may be provided by law.
25 However, any defendant placed on supervision before January
26 1, 1980, may move for sealing or expungement of his arrest
27 record, as provided by law, at any time after discharge and
28 dismissal under this Section. A person placed on supervision
29 for a sexual offense committed against a minor as defined in
30 subsection (g) of Section 5 of the Criminal Identification
31 Act or for a violation of Section 11-501 of the Illinois
32 Vehicle Code or a similar provision of a local ordinance
33 shall not have his or her record of arrest sealed or
34 expunged.

1 (g) A defendant placed on supervision and who during the
2 period of supervision undergoes mandatory drug or alcohol
3 testing, or both, or is assigned to be placed on an approved
4 electronic monitoring device, shall be ordered to pay the
5 costs incidental to such mandatory drug or alcohol testing,
6 or both, and costs incidental to such approved electronic
7 monitoring in accordance with the defendant's ability to pay
8 those costs. The county board with the concurrence of the
9 Chief Judge of the judicial circuit in which the county is
10 located shall establish reasonable fees for the cost of
11 maintenance, testing, and incidental expenses related to the
12 mandatory drug or alcohol testing, or both, and all costs
13 incidental to approved electronic monitoring, of all
14 defendants placed on supervision. The concurrence of the
15 Chief Judge shall be in the form of an administrative order.
16 The fees shall be collected by the clerk of the circuit
17 court. The clerk of the circuit court shall pay all moneys
18 collected from these fees to the county treasurer who shall
19 use the moneys collected to defray the costs of drug testing,
20 alcohol testing, and electronic monitoring. The county
21 treasurer shall deposit the fees collected in the county
22 working cash fund under Section 6-27001 or Section 6-29002 of
23 the Counties Code, as the case may be.

24 (h) A disposition of supervision is a final order for
25 the purposes of appeal.

26 (i) The court shall impose upon a defendant placed on
27 supervision after January 1, 1992, as a condition of
28 supervision, a fee of \$25 for each month of supervision
29 ordered by the court, unless after determining the inability
30 of the person placed on supervision to pay the fee, the court
31 assesses a lesser fee. The court may not impose the fee on a
32 minor who is made a ward of the State under the Juvenile
33 Court Act of 1987 while the minor is in placement. The fee
34 shall be imposed only upon a defendant who is actively

1 supervised by the probation and court services department.
2 The fee shall be collected by the clerk of the circuit court.
3 The clerk of the circuit court shall pay all monies collected
4 from this fee to the county treasurer for deposit in the
5 probation and court services fund pursuant to Section 15.1 of
6 the Probation and Probation Officers Act.

7 (j) All fines and costs imposed under this Section for
8 any violation of Chapters 3, 4, 6, and 11 of the Illinois
9 Vehicle Code, or a similar provision of a local ordinance,
10 and any violation of the Child Passenger Protection Act, or a
11 similar provision of a local ordinance, shall be collected
12 and disbursed by the circuit clerk as provided under Section
13 27.5 of the Clerks of Courts Act.

14 (k) A defendant at least 17 years of age who is placed
15 on supervision for a misdemeanor in a county of 3,000,000 or
16 more inhabitants and who has not been previously convicted of
17 a misdemeanor or felony may as a condition of his or her
18 supervision be required by the court to attend educational
19 courses designed to prepare the defendant for a high school
20 diploma and to work toward a high school diploma or to work
21 toward passing the high school level Test of General
22 Educational Development (GED) or to work toward completing a
23 vocational training program approved by the court. The
24 defendant placed on supervision must attend a public
25 institution of education to obtain the educational or
26 vocational training required by this subsection (k). The
27 defendant placed on supervision shall be required to pay for
28 the cost of the educational courses or GED test, if a fee is
29 charged for those courses or test. The court shall revoke
30 the supervision of a person who wilfully fails to comply with
31 this subsection (k). The court shall resentence the
32 defendant upon revocation of supervision as provided in
33 Section 5-6-4. This subsection (k) does not apply to a
34 defendant who has a high school diploma or has successfully

1 passed the GED test. This subsection (k) does not apply to a
2 defendant who is determined by the court to be
3 developmentally disabled or otherwise mentally incapable of
4 completing the educational or vocational program.

5 (l) The court shall require a defendant placed on
6 supervision for possession of a substance prohibited by the
7 Cannabis Control Act or Illinois Controlled Substances Act
8 after a previous conviction or disposition of supervision for
9 possession of a substance prohibited by the Cannabis Control
10 Act or Illinois Controlled Substances Act or a sentence of
11 probation under Section 10 of the Cannabis Control Act or
12 Section 410 of the Illinois Controlled Substances Act and
13 after a finding by the court that the person is addicted, to
14 undergo treatment at a substance abuse program approved by
15 the court.

16 (m) The Secretary of State court shall require anyone a
17 defendant placed on court supervision for a violation of
18 Section 3-707 of the Illinois Vehicle Code or a similar
19 provision of a local ordinance, ~~as a condition of~~
20 ~~supervision,~~ to give proof of his or her financial
21 responsibility as defined in Section 7-315 of the Illinois
22 Vehicle Code. The proof shall be maintained by the
23 individual defendant in a manner satisfactory to the
24 Secretary of State for a minimum period of one year after the
25 date the proof is first filed. The proof shall be limited to
26 a single action per arrest and may not be affected by any
27 post-sentence disposition. The Secretary of State shall
28 suspend the driver's license of any person determined by the
29 Secretary to be in violation of this subsection.

30 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
31 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff.
32 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903,
33 eff. 1-1-01.)

1 (625 ILCS 5/6-205.1 rep.)

2 Section 15. The Illinois Vehicle Code is amended by
3 repealing Section 6-205.1.

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